CULTURE, CONFLICT AND COMMUNITY MEDIATION: UNDERSTANDING

AND REMOVING BARRIERS TO ACTIVE PARTICIPATION OF LATINOS

IN COMMUNITY MEDIATION CENTERS IN OREGON

by

ALEXIS IRENE STICKEL

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Student: Alexis Irene Stickel

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Kristin Yarris   Chairperson
Tim Hicks   Member
Galen Martin   Member

and

Kimberly Andrews Espy   Vice President for Research and Graduate Studies/Dean of
                         the Graduate School

Original approval signatures are on file with the University of Oregon Graduate School.

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THESIS ABSTRACT

Alexis Irene Stickel

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Department of International Studies

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Title: Culture, Conflict and Community Mediation: Understanding and Removing Barriers to Active Participation of Latinos in Community Mediation Centers in Oregon

The Latino population is not accessing community mediation centers throughout Oregon. Mediation provides a safe space to resolve conflicts outside of the adjudicative processes and at a lower cost. Through interviews with program coordinators/directors of community mediation centers around Oregon, mediators with experience in bilingual mediation and Latino stakeholders, I explore the barriers that exist and methods to increase the participation of the Latino population in community mediation centers. The research asserts that mediation program practitioners have a desire to reach out to the Latino population but face enormous difficulty due to a lack of trust and, frequently, a lack of resources. The findings illustrate that energy and time focused on outreach and community building with the Latino population is necessary to increase trust, knowledge and willingness to participate in mediation. There is a need to train new mediators and to design programs to bring conflict resolution into diverse communities.

CURRICULUM VITAE

NAME OF AUTHOR: Alexis Irene Stickel

GRADUATE AND UNDERGRADUATE SCHOOLS ATTENDED:

University of Oregon, Eugene

DEGREES AWARED:

Master of Arts, International Studies, 2013, University of Oregon
Master of Arts, Conflict and Dispute Resolution, 2013, University of Oregon
Graduate Certificate, Nonprofit Management, 2013, University of Oregon
Bachelor of Arts, Journalism: Communication Studies, 2010, University of
    Oregon
Bachelor of Arts, International Studies and Spanish, 2010, University of Oregon

AREAS OF SPECIAL INTEREST:

Conflict Resolution
Mediation
Peace Studies
Immigration
Latin America
Spanish language and culture

PROFESSIONAL EXPERIENCE:

Programs and Services Coordinator, Conflict Resolution Services, Eugene,
    Oregon, 2012-present

Board of Directors' Secretary, Huerto de la Familia, Eugene, Oregon, 2012-2013

Leadership Development Fellow, Holden Center, Eugene, Oregon, 2010-2012

Intern, StoveTeam International, Eugene, Oregon, 2012

Intern, Centro LatinoAmericano, Eugene, Oregon, 2012

Intern, Community Mediation Services, Eugene, Oregon, 2011

Intern, Tualatin Riverkeepers, Tualatin, Oregon, 2010 and 2011

GRANTS, AWARDS, AND HONORS:

Graduate Teaching Fellowship, Conflict Resolution Services, 2012-present

Graduate Teaching Fellowship, Holden Center, 2010-2012

International Studies Department Travel Grant

Conflict and Dispute Resolution's Director's Fund Grant

Thurber Award

Northwest Institute for Conflict Resolution 2012 Student Fellowship for
International Peace

Savage Endowment for International Relations and Peace 2012 Student
Fellowship for International Peace and Conflict Resolution Internships

PUBLICATIONS:

Alexis, S. I. (2010). *Motherhood and resistance in Argentina: Struggle against
dictatorship in film and on the streets* (Unpublished honors undergraduate
thesis). University of Oregon, Eugene, OR.

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Below are two examples of cases within the Latino community that would benefit

from mediation.[1] Community mediation serves as an excellent method to transform

conflicts through communication. Without intervention small conflicts can escalate and

often turn into stressful and all-encompassing life events.

Maria and Rosa: Maria has a small catering business on the side that provides

needed income to her household. She typically caters local events that request "traditional

Mexican food." Her specialty is tamales. This business is a source of pride for her. Maria

immigrated to Eugene, Oregon in 2008 from northern Mexico due to the increase of

violence from the "drug war." Her husband is also employed and their two daughters are

in school. The entire family has obtained legal status to reside in the country. Both Maria

and her husband graduated from high school in Mexico. Rosa is from a rural area in

Oaxaca in southern Mexico and immigrated in 2011 to be closer to her husband. Rosa

and her husband both stopped school at very young ages. She has had difficulty finding a

job due to her immigration status. While their son is a legal citizen, her husband has only

been able to get migrant labor or part-time construction jobs due to his immigration

status. They have been struggling for money. Maria and Rosa met each other through a

local Latino community organization. When Maria received a request for a type of food

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[1] These vignettes contain no factual information; however, they are derived from true
stories conveyed through informal conversations during the course of this study.

traditionally from southern Mexico she contacted Rosa about the opportunity. Rosa was thrilled and borrowed several large pots and pans from Maria to prepare the meal. Maria attempted to contact Rosa immediately after the event so she could get her pots and pans back. She needs the pots to prepare for an upcoming catering event. Rosa's phone has been disconnected and Maria is becoming frustrated as the event nears because she cannot get a hold of Rosa nor is Rosa returning her messages. Maria feels disrespected and angry – she felt like she did Rosa a huge favor. Maria finally contacts the local Latino community organization for assistance and accuses Rosa of being a thief. She believes that Rosa has stolen the pots and pans in an attempt to start her own small catering business. Since both Maria and Rosa are members of the organization, the employees are hesitant to become involved in the matter.

Nestor and Jim: Nestor works full-time in a factory in Eugene with a lot of other Latinos. He has lived in Oregon for 12 years and has a family. He has recently obtained permanent residency in the United States, but still has fears for the rest of his family. Their son recently turned 17 and started working after school. His job is outside of town and to support his son Nestor recently purchased a truck for $500 from a man named Jim. Nestor found the truck from Craigslist and paid cash for the vehicle. One week later the truck broke down and after having it towed Nestor learned it would cost $1,200 to fix it. He feels cheated and disrespected. Nestor contacts Jim regarding the truck and asks for his money back. Jim says no and hangs up the phone. Nestor attempts to contact him again about the truck and Jim refers to Nestor using a racial slur before hanging up the phone. Now very angry, Nestor wants to do something; however, his fears regarding institutions within the United States and his lack of proficiency in English are barriers.

Nestor does not have the money to fix the truck and soon his son will lose his job if he does not find a method of transportation to work. Despite these stresses, above all Nestor is frustrated and angry about his interactions with Jim. He wants to sit down face-to-face with him, but does not see how that could happen.

Introduction to Thesis

Community mediation centers offer the opportunity for people to be empowered to resolve or transform their own conflicts in a peaceful manner. Mediation provides the chance to bring people together to discuss the situation and establish a solution that meets everyone's needs. These centers provide a safe venue for dialogue, an opportunity to hear the human dimensions of conflict, and constructive problem solving support. The centers train the mediators, who volunteer their time, and thus offer a low-cost method of dispute resolution. The mediation process is inherently embedded with Western conceptions of conflict resolution; however, it presents many benefits to everyone in the community. Beyond low-cost method of dispute resolution, mediation also provides an opportunity for people to development empathy, compassion and understanding. Given the affordability and confidentiality of the process, mediation offers a lot of potential benefits to the minority communities. Currently the Latino population is not accessing the services offered by community mediation centers in Oregon.

The term "Latino" refers to a specific category of immigrants in the United States who come from a large geographical area that spans from Mexico to Chile and Argentina. Additionally, it encompasses people who just settled in this country as well as people who have been here for multiple generations with Latino ancestry. Overall "Latino" is a broad ethnic label that does not mean that everyone included shares the same cultural

identities or values. According the United States' 2010 Census, the Latino population comprises 11.75% of the population in Oregon and 20.88% of the population of ages 17 and younger. More importantly, the Latino population in Oregon has grown 64% from 2000 to 2010 (Oregon Latino Agenda for Action, 2010). As the Latino population continues to rise across Oregon and the country, the issue of cultural integration and inclusion becomes increasingly pertinent. Community mediation centers aim to serve the entire community within their region, which means that as the Latino population rises then centers need to take more actions to become culturally inclusive.

This thesis suggests a series of steps that community mediation centers can take to reduce barriers to participation for the Latino population. Through interviews with program coordinators/directors of community mediation centers around Oregon, mediators with experience in bilingual mediation, and Latino stakeholders who work with Latino immigrant populations, I explore the barriers that exist and methods to increase the participation of the Latino population in community mediation centers. Lack of capacity of the community mediation centers and presumed lack of trust by the Latino community are the two barriers examined within this thesis. The recommendations are based not only on original research but also scholarly research and organizational research projects – the two recommendations are community building and training. The thesis only focuses on Latino immigrants in Oregon, but the recommendations are useful to community mediation centers around the country and world that are struggling with cultural inclusion of minorities.

Overall this thesis argues that there are real external constraints, such as financial limitations, as well as internal constraints, such as organizational culture, that present

barriers to cultural inclusion of Latinos in community mediation centers in Oregon. Additionally, there is an interest within community mediation centers in Oregon to reach out to the Latino community within their respective service regions. These constraints can be addressed through drawing upon internal resources that are not limited by financial restrictions and through utilizing conflict resolution theory to evaluate their own progress and understanding of these cultural issues. This preliminary chapter focuses on situating the study, describing community mediation, and highlighting issues that the Latino immigrant population face.

The Problem: The evolution of community mediation centers in the United States was grassroots and community-driven deriving from the idea that there was another way to achieve justice rather than through the court system (Hedeen, 2004). Community mediation centers aim to assist all people within their service region to feel as if they have received justice through the mediation process. To effectively serve all populations within a service region, a community mediation center must have processes in place to address issues of cultural inclusion for all diverse populations. The research undertaken for this thesis sought to understand the following questions: Is there a universal process of mediation? Should the current process of mediation be modified to become culturally appropriate for Latinos? How could it be modified? Is mediation applicable, understandable and helpful to Latinos living in Oregon – if not, why not? This research is focused on community mediation centers throughout Oregon with implications for the broader field of mediation. The findings of the research presented in this thesis aim to understand the current barriers that limit active participation of Latinos as well as examine methods to decrease those barriers.

Background of the Research: Oregon community mediation centers have demonstrated interest in enhancing the participation of Latinos. In 2001, the Oregon Dispute Resolution Commission, which later became the Oregon Office for Community Dispute Resolution, received a $250,000 grant from William and Flora Hewlett foundation to create the Hispanic/Latino Community Dispute Resolution Project. This project had four main goals:

1. "Increase Oregon Hispanic/Latino participation" in community mediation

2. "Increase knowledge about Hispanic/Latino needs and preferences" with regards to mediation

3. "Understand and address culturally based conflict, especially in relationship to Oregon Hispanic/Latino population"

4. "Build linkages between appropriate dispute resolution services and communities which utilize those services" (Erbes, Chavez & Silverberg, 2004, p. 6).

Six community mediation centers around Oregon were selected to participate in this grant: Central Oregon Mediation (Deschutes, Crook and Jefferson Counties), East Metro Mediation (eastern part of Multnomah County), Linn Benton Mediation Services (Linn and Benton Counties), Mediation Works (Jackson County), Neighbor-to-Neighbor (Marion County), and Resolutions Northwest (Multnomah County) (Erbes, Chavez & Silverberg, 2004). Only four of these centers participated in the final implementation phase, consisting of the evaluation survey (Ozawa, 2004). Overall the counties served represented very different communities demographically, including varying percentages of the Latino population.

The project involved both a needs assessment and implementation period. The needs assessment verified that Latinos would feel comfortable participating in mediation, but that mediation with interpreters is not successful (Interface Network, 2003). This points to a need to train more Spanish-speaking mediators who are able to conduct mediation in Spanish. Each of the six participating community mediation centers conducted a focus group with "Latino community members and community-based organization service providers" as well as surveys with Latino community members (Interface, 2003, p. 33). Overall 59 Latino community members and 66 service providers participated in the focus groups and 147 Latino community members were surveyed. The needs assessment found that "55% of community members surveyed stated that they would be very comfortable using mediation services to resolve conflict and 24% stated they would be somewhat comfortable" (Interface Network, 2003, p. 39). This highlights the conclusion of the needs assessment that with education and outreach to the Latino community, as well as increasing other internal capacities, Latinos would use community mediation. This conclusion provides the base of this study. The research presented in this thesis builds off of the work of the Hispanic/Latino Community Dispute Resolution Project to develop a greater understanding of the barriers that still exist for Latinos and community mediation centers as well as methods to remove those barriers.

The six mediation centers participated in the implementation of the recommendations derived from the needs assessment. All of the centers were able to make significant progress towards the goals of the program with the funds provided by the grant. Every center "had one or more of their outreach and promotional materials translated into Spanish" (Erbes, Chavez & Silverberg, 2004, p. 13). The centers created

socio-dramas in Spanish for radio spots promoting their services. Other outreach conducted by the centers included: outreach at local Latino cultural or community events, Spanish language newspaper articles, and the hosting of an event targeting the Latino community. The centers cultivated important relationships with community partners who work directly with Latinos. These partnerships helped the centers recruit bicultural and bilingual volunteers to train as mediators. Despite all the successes of the project, the final report to the granting foundation also highlighted several challenges that the centers faced in their continued efforts.

Current Issues: Once the grant funding ended, it became difficult for most of the centers to maintain their progress towards the goals. As with many nonprofits, financial capacity is a huge limitation. Bacharach (2007) is a Portland-based mediation center staff person who specifically focuses on Latino inclusion. She highlights the importance of *continuity* in outreach and community building; however, continuing efforts with little or no funds proved very difficult for many of the centers. For example, one of the recommendations from the needs assessment focused on building mediation capacity at local Latino service provider agencies, but that became difficult when little funds existed to build capacity within the actual center (Erbes, Chavez & Silverberg, 2004).

Language proved to be an issue that needed to be examined more thoroughly – some of the mediation processes used interpreters, but faced problems when the interpreter was not properly trained (Erbes, Chavez & Silverberg, 2004). When the mediator served dual roles as both mediator and interpreter other challenges surfaced, such as perceived bias of the mediator by the English-speaking party.

Recruitment and retention was another problem for most of the community mediation centers. Most of the centers had difficulties recruiting volunteers who had enough time and energy to commit to the training to become a volunteer mediator – let alone actually mediating cases. Once someone commits to becoming a volunteer mediator, the center still needs to put forth energy and effort to keep the volunteer interested and active (Erbes, Chavez & Silverberg, 2004).

Several challenges arose from the basic mediation training being conducted in both English and Spanish. There is difficulty with balancing interpretation, which takes more time, and the need to cover specific concepts with a certain number of role-play episodes, given the requirements governing the basic mediation training. Given the time commitment already needed for the basic mediation training, it is hard to make the training longer while still retaining the interest of the volunteers (Erbes, Chavez & Silverberg, 2004). It was difficult to offer only Spanish language trainings for several reasons, including: "attendance was unexpectedly low and often irregular," which made it hard to justify offering more trainings and the "lack of Spanish-speaking mediation trainers is itself an additional burden to the time requirements of training" (Ozawa, 2004, p. 16).

Lastly, Erbes, Chavez & Silverberg (2004) point out the potential challenge of maintaining key connections with the Latino community. Relationships take time to build commitment and trust, which are greatly needed to connect community mediation centers with the Latino community. This idea is closely connected with Bacharach's (2007) emphasis on continuity within community building and outreach. Although at the time the authors did not know if the centers would be successful with the continued cultivation

of these relationships, the emphasis placed upon this demonstrates the importance of this potential challenge.

Research Approach to the Problem Statement: One main intention of this thesis is to examine the current status of Latino inclusion activities since the Hispanic/Latino Community Dispute Resolution Project. Toch (2011) explored similar issues in her thesis through a comparison of mediation programs in Mexico and in Oregon; however, her research focused more closely on the comparison than on the current state of cultural inclusion efforts of Latinos in community mediation centers in Oregon. Additionally, her recommendations for enhancing community mediation for Latinos were heavily based upon personal thoughts, organizational reports and scholarly literature rather than on data collected in Oregon.

Through reading all of the documents associated with the Hispanic/Latino Community Dispute Resolution Project, it became clear that there are certain issues that need to be examined more thoroughly both through original research and literature review. The main issue involves understanding the specific *barriers* that currently exist and how they limit Latino participation. The needs assessment found that the majority of Latinos would be comfortable with using the services, so what are the reasons that Latinos are not accessing the services? These barriers can be viewed as capacity issues of community mediation centers and as structural barriers for the Latino population. These barriers are both internal and external in nature. Cross-cultural and cultural barriers are examples of internal barriers the organization faces and financial restrictions are an example of an external barrier. *Outreach and community building* also need to be examined more thoroughly to understand the most beneficial mechanisms for

organizations with a small budget and staff. The issue of *training* needs to be explored to understand the best way to train bicultural, bilingual Latinos and to expand the training of the current mediators to become more culturally inclusive. The final issue is the overall *process* involved beginning when someone is referred, to the conclusion of the mediation. It is also crucial to note that this thesis speaks to several audiences: academics, practitioners in the field of conflict resolution, volunteer mediators, and professionals in organizations interested in issues of cultural inclusion and cultural competency. Throughout the thesis I will explicitly state when I am addressing a particular audience.

Use of Theory: There are two theories of intercultural conflict resolution and cultural sensitivity, the development model of intercultural sensitivity and the cultural competency matrix, which I use to analyze the community mediation centers internal capacity for cultural inclusion of Latinos. The models prove helpful when describing the broader implications of my research.

Based on work by Milton Bennet there are "six stages in the development of greater capacity for intercultural sensitivity" (Conflict Resolution Services, 2013). The six progressive stages are: denial, defense, minimization, acceptance, adaptation and integration. Each stage is described as follows:

1. Denial: unable to construe cultural differences in complex ways. Live in relative cultural isolation.
2. Defense: able to construe cultural differences but attach negative evaluations to it.
3. Minimization: accept minor cultural differences but assume deep down all people are the same.
4. Acceptance: accepts self as a cultural being and enjoys exploring other cultures.

5. Adaptation: use of knowledge about one's own culture and other cultures to shift into a different frame of reference, very empathetic

6. Integration: interpret and evaluate behavior from a variety of cultural frames of reference so that there is never a single right or wrong answer (Conflict Resolution Services, 2013).

The first three stages (denial, defense and minimization) are considered ethnocentric stages where one uses "one's own set of standards and customs to judge all people, often unconsciously" (Conflict Resolution Services, 2013). The latter three stages (acceptance, adaptation and integration) are considered ethnorelative stages that demonstrate "comfort with many standards and customs, ability to adapt behavior and judgments to a variety of interpersonal settings" (Conflict Resolution Services, 2013).

Figure 1: Gurevitch's cycle of understanding
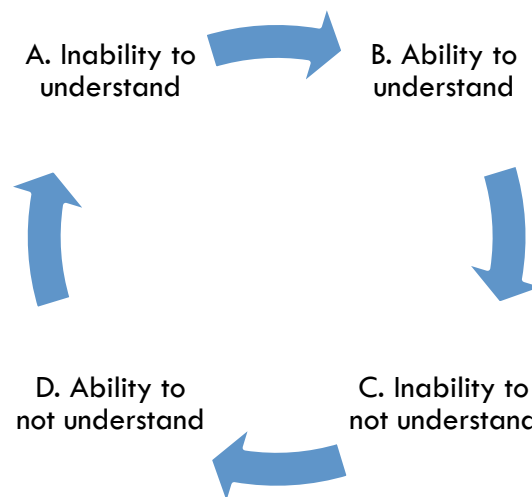
Issues of cultural competency and understanding can also be examined through a matrix or circular process. Gurevitch (2001) describes understanding as "the act of

recognizing in another person another center of consciousness" (p. 242). Gurevitch developed a circle of understanding, Figure 1, illustrating the process that occurs during facilitated dialogues where the participants have differences in understanding. This connects to community mediation because dialogue between the parties and with the mediator is at the heart of mediation. The circle of understanding begins with the inability to understand someone else's perspective of life then moves onto a perceived ability to understand the other's perspective. Then, after further dialogue there is a stage, labeled inability to not understand, where there is a sense of frustration when one realizes that he or she does not understand why he or she cannot understand the other. Lastly, the final stage is the ability to not understand where one is able to acknowledge that he or she will never be able to fully understand the other person's perception of life because he or she cannot live the other's life; and simultaneously accept the differences and similarities between their consciousness. These theories provide a basis to examine the cultural environment of community mediation centers and the internal challenges centers face when dealing with issues of cultural inclusion.

       Organization of Thesis: Chapter I situates the thesis through providing necessary background information on mediation, community mediation centers, and the Latino population in Oregon. This section moves on to describe the demographics of Latinos in Oregon. Issues discussed in this portion include: bicultural identity, complexities of racial/ethnic hierarchies, and the Latino threat narrative. The three concepts illustrate the complexities and challenges that Latino immigrants face in the United States that potentially impacts mediation. Additionally, comprehension of these complexities

provides insight to both community mediation centers and mediators so that they are able to make certain adaptations to improve the process for the Latino population.

Chapter II focuses on the theories regarding culture and conflict resolution as well as issues of cultural competency in social services, focusing on psychotherapy and counseling. The first portion of this chapter examines intercultural frameworks and outlines approaches to intercultural conflict resolution. Overall this provides the reader with foundational information regarding the theory that already exists surrounding this topic. The second portion of the chapter focuses on cultural competency in social services; there has been a large amount of scholarly research regarding cultural competency in these fields that might be especially beneficial to mediation. Although there are many theories behind cultural adaptations to conflict resolution processes, there is an overall lack of research to sustain them. The research derived from other similar processes, such as therapy and counseling, provides verification and additions to the work already written about similar issues within the field of conflict resolution and mediation.

Chapter III describes the research methodology of this thesis and justifies the use of qualitative research as applied in this study. Most importantly, this chapter presents the means by which I examine and evaluate the barriers to active participation of Latinos in community mediation centers as well as methods for decreasing these barriers.

Chapter IV explores the barriers to active participation of Latinos in community mediation through findings derived from interviews with Latino stakeholders, administrators of community mediation centers, and bilingual mediators. Lack of capacity from the community mediation centers' standpoint and lack of trust are identified as the two main barriers.

Chapter V outlines two methods to reduce these barriers: community building with the Latino community and training. This chapter combines data gathered during the interviews with the aforementioned groups of people as well as information from organization reports and intercultural theory literature and research.

Chapter VI offers a step-by-step examination of the mediation process from the mainstream or Anglo perspective and describes issues that might arise for Latinos. In addition this chapter outlines common process recommendations from my original research, organizational reports and scholarly articles for each step of the process.

Chapter VII concludes this thesis with research implications, recommendations for implementation of proposed methods to reduce barriers, and areas for further research.

Background on Community Mediation Centers and Mediation

This section will present background information regarding community mediation centers and mediation in Oregon. The history and evolution of mediation, approaches to mediation, and different types of mediation will be described in reference to community mediation practices. Mediation, especially when associated with the courts or law, is also categorized as "Alternative (or Appropriate) Dispute Resolution." Overall, the goal of this section is to establish clear definitions and understandings of community mediation practices that will be discussed throughout this thesis.

Mediation and Community Mediation: The term mediation has both broad and specific connotations. This thesis will deal with a specific type of facilitative mediation process normally found within community mediation centers. Overall, this mediation began as "a collaborative alternative to the legal system for resolving all kinds of

conflicts" (LeBaron, n.d., n.p.). Community mediation centers often offer various types

of mediation, which will be described later. A descriptive definition of mediation states

that "mediation is a voluntary and confidential process where a neutral third party meets

with the disputants and helps to open lines of communication so that the parties can

arrive at a mutually agreeable, fair, and workable resolution" (Sgubini, 2006, n.p.).

Typically, most mediation processes involve two parties (or participants/people).

Mediation processes have been highly criticized regarding the lack of cultural

competency (LeBaron, n.d.). LeBaron describes the evolution of mediation and the lack

of cultural considerations:

> An exploration of the roots of the mediation movement in the United
> States and Canada reveals a surprising lack of cultural awareness in
> theory and practice development. Mediation arose from American
> organizational behavior practice and theory as a response to critiques
> that the legal system caused costly delays and damaged relationships.
> A second influence shaping the development of mediation was the
> international problem solving workshop, which involved bringing
> parties of deep-rooted conflict together with third parties to address
> issues among them (LeBaron, n.d., n.p.).

Several scholars, including LeBaron, have spent considerable time studying issues of

cultural dynamics in mediation and conflict resolution; however, first a solid framework

of understanding of mediation is needed before addressing issues of cultural competency.

The Mediation Process: This thesis refers to a specific procedural type of

mediation that can be described using John Paul Lederach's five universal facets of

conflict resolution. Lederach (1995) labels the five facets as: entry, gather perspectives,

locating conflict, arrange or negotiate, and way out or agreement. Entry refers to how

parties access assistance or initiate the process and how the third party is selected (p. 93-

95). Gathering perspectives focuses on providing people with the opportunity to tell their

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story and air grievances – thus this process legitimizes the conflict (p. 95). Locating

conflict examines where people are in the conflict with a specific focus on the

relationship between the parties involved and the specific problem (p. 95). Arrange

explores "a broader process of how the relationship is understood by [those] in conflict"

and negotiates points towards a "narrower focus of how issues will be resolved" (p. 95).

Way out similarly explores the broader point of view dealing with "the ebb and flow of

conflict in the context of relationship" (p. 95-96). Finally, agreement focuses on the more

specific terms of expectations to resolve or transform the current conflict (p. 95).

Community mediation engages in all five of these facets in a formalized, explicit manner

with specific regulations and rules regarding the role of the mediator and the procedure of

mediation (Lederach, 1995).

Entry: In community mediation the entry is very specific and formal. One of the

parties will call, email or come into the center. This initial contact is followed up through

the assignment of the case to a mediator(s)[2] who will contact the party for an initial "in-

take" meeting. It is crucial that the mediator "be neutral and disinterested and have no

personal connection to either party" (Weller & Martin, 1996, p. 9). The mediator will

contact the other party for an "in-take" meeting as well. These meetings typically happen

one-on-one with just the mediator and the party. From the in-take meetings it is

determined if the case is suitable for mediation. If it is deemed appropriate, then the

mediator initiates the first session that typically takes place within the formal setting of

the community mediation center in a conference room. The mediator traditionally gives

an opening statement in the first mediation session with both parties that emphasizes the

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[2] Often co- is common where two mediators work together on the case.

voluntary nature and confidentiality of mediation. Additionally, in the opening statement the mediation process is described, ground rules are explored, and any questions are answered.

Gather Perspectives: Within community mediation, the gathering of perspectives aspect of mediation happens in the face-to-face mediation through "story telling" where each participant is given un-interrupted time to tell "his or her perspective on the dispute" (Weller & Martin, 1996, p. 10). Typically, the mediator has already heard at least part of the story through the individual in-take sessions, but the story telling is a crucial component of the mediation session. Mediators are trained to do a series of actions during this time including active listening, paraphrasing, open questions, and "encourage expression of feelings" (Lederach, 1995, p. 94). All of these actions on the mediator's part are meant to encourage understanding on the part of the other party who is listening to the story. Typically the mediator employs these techniques when each party finishes telling his or her story.

Locating Conflict: This phase within community mediation involves the mediator suggesting "an informal list of issues that need to be discussed" (Weller & Martin, 1996, p. 11). Then the parties evaluate the list. Toch (2011) defines this part of the process as when the mediation distinguishes interests from positions. During this period the mediator will often use the tool of reframing – where he or she clarifies "what a party has said or to restate something in a way that encourages the parties to look at an issue in a different light" (Weller & Martin, 1996, p. 11). This stage of the process is also where large issues "are broken down into more manageable component issues" (Weller & Martin, 1996, p. 11).

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Arrange or Negotiate: At this stage the parties begin to examine ways to move forward or resolve the conflict. In the Western style of mediation, the mediator guides the parties through a brainstorming session addressing each issue, previously generated, in a linear fashion. One part of this process is often labeled as option generation; both parties are encouraged to suggest options without "having to commit to any single option" (Weller & Martin, 1996, p. 12). After options have been generated for each of the issues, then the parties will analyze each of the options and new options may be generated. The goal is that this process will help bring the parties closer to an agreement. Weller and Martin (1996) state, "At this stage of the process, the mediator will be alert to and ready to point out anything that the parties agree upon, even if it something as basic as the desire of both sides to end the dispute" (p. 12). The point of this stage is to help the parties acknowledge that they can agree on certain issues and assist them in finding their own solution or pathway forward.

Way Out or Agreement: The final stage within a mediation process is to create an agreement. Normally a written agreement is created that considers contingencies and process for follow-up. Typically an agreement can be reached within one session. If an agreement is not reached and the parties are willing to keep working together then the mediator will schedule another session. In some situations the mediator might suggest terminating the process (Weller and Martin, 1996). The mediator will usually suggest the parties have an attorney look over the document if the parties desire. The mediator's role ends with the agreement and he or she no longer has any contact with the parties.

History and Evolution of Mediation: Historically it is difficult to establish the origin of mediation in part because it has "been approached with an 'ethnocentric' and

'monocultural' viewpoint" ("The Origin of Mediation," n.d., n.p.). Mediation or dispute resolution occurred in many tribal or native communities around the world and today occurs in formal processes as well. Formal mediation and employment of mediators in the United States began in 1946 with the Federal Mediation and Conciliation Service, which mainly responded to labor disputes ("The Origin of Mediation," n.d.). Alternative (or Appropriate) Dispute Resolution (ADR) has become a common term within most law schools or state bar associations in the United States. ADR originated during the 1970s with the formation of two directions of mediation. While some viewed mediation as closely connected with the courts and the law, others saw the potential for mediation as a process completely separated from the adversarial court system. Generally the two types of mediation work together. For example, the Oregon Office for Community Dispute Resolution is housed within the University of Oregon's School of Law. These two types of mediation can approach the process differently.

Approaches to Mediation: Facilitative mediation and directive mediation are two umbrella terms that illustrate the different approaches. The mediator can either *facilitate* the dialogue or the mediator can take charge or *direct* the process. In the Basic Mediation Training at the University of Oregon School of Law, the trainers use a series of five spectrums to describe different approaches to mediation (Bentz, Engiles & Gordon, 2009). The first spectrum is "Goal of the Process" with one side indicating an emphasis of increasing communication between the parties and the other side being focused on the "settlement" or agreement/solution. The mediator can focus on either communication or the solution/settlement or anywhere along the spectrum (Bentz, Engiles & Gordon, 2009). The next spectrum is "Criteria for Decision-Making" with the

ends of the spectrum being "interests" or "rights." Third, the "Role of the Mediator" can either be as a "facilitator" or "evaluator." An evaluative mediator tends towards evaluating the possibilities for resolution and discusses his or her opinions with the parties. The fourth spectrum is the, "Who Develops the Solutions," which highlights whether the participants or the mediator are most involved with creating the resolution. The final spectrum is labeled "when to use individual sessions (caucus)" with the two sides being "never" or "always" (Bentz, Engiles & Gordon, 2009).

While each mediator may tend towards one side of each of the spectrums or the other, generalizations can be made in regards to Oregon community mediation processes. Facilitative mediators tend to be trained to focus in the middle of the first spectrum balancing the goal of the process between communication and settlement (Bentz, Engiles & Gordon, 2009). On the second spectrum the interests of the parties tend to be the primary criteria for decision-making. Third, the mediator is the facilitator of the process rather than an evaluator. Fourth, the parties are highly encouraged to develop the solutions during the mediation. On the fifth and final spectrum, the mediator tends towards not using individual sessions (caucus), but acknowledges that there are times and places that may be appropriate for the use of a caucus (Bentz, Engiles & Gordon, 2009).

Community Mediation Centers: Hedeen (2004) describes community mediation as deriving from traditions from around the world, but mediation is becoming a "uniquely American experience" (p. 101). The article presents the structure, accomplishments, and unfinished work of community mediation in the United States. The 1960s and 1970s set the stage for community mediation through an activist and involved community moving towards informal methods of mediation based upon popular frustration with the court

system, particularly the costs associated with it. The evolution was grassroots and community driven. The National Association for Community Mediation (NAFCM) defines community mediation centers as having nine characteristics, four of them being fundamental to acquiring membership with NAFCM:

1. Being nonprofit/public agency

2. Utilizing volunteer mediators

3. Providing direct access to public

4. Providing services regardless of ability to pay (p. 104)

The sector of community mediation is hard to categorize, but most of the centers are private nonprofit agencies and most are not funded with any federal money. There are specific characteristics of the majority of community mediation centers: most mediators highly value independence and neutrality; many centers serve as contractors of other agencies thus receiving referrals; usually there are a large number of cases referred by the courts; participants have a high level of self-determination throughout the process; community outreach is crucial; funding varies across the country; and most centers use a facilitative model of mediation. A plethora of issues are handled through mediation including: neighborhood, victim/offender restorative justice, small claims, landlord-tenant, custody and visitation/family issues, school related issues, interpersonal differences, and large group consensus building and decision making. Participation in community mediation is fundamentally voluntary – both for participants and mediators. Hedeen (2004) states that mediators represent the diversity of the community and attend a 30-50 hour basic training as well as other required continuing education activities. Baron (2004) asserts, "while centers aspire to reflect the diversity of the communities they

serve, the mediators in most centers are rarely of the same class or culture of the majority of the clients" (p. 143). This reflects LeBaron's (n.d.) earlier sentiment regarding issues of cultural inclusion within community mediation. Traditionally mediators tend to be older, white, and affluent.

Mediation is evaluated in several different ways including: agreement/settlement reached, satisfaction with the process, satisfaction with the mediator, perceived fairness of the process, durability of the agreements, cost efficiency, and time efficiency. Across all domains community mediation evaluations demonstrate high success ratings. Hedeen (2004) asserts that although there are other areas that need to be researched, community mediation offers unlimited potential to resolve conflicts outside of the courtroom.

Types of Mediation Practices:[3] There are various types or programs of mediation offered through community mediation centers. Process and trainings differ depending on the type of mediation. The basic mediation training is the cornerstone with other trainings being needed to mediate different types of cases. Community mediation centers offer a wide variety of mediation programs and these programs can flex and change throughout the life of the center. Family, parent-teen, divorce, probate, restorative justice (or victim offender), elder, neighborhood or community, truancy, foreclosure, small claims, landlord-tenant, workplace, and agricultural mediation are all examples of certain mediation programs that are offered in community mediation centers around Oregon. Trainings and experience level matter in terms of who can mediate different kinds of cases. For example, restorative justice and family mediation processes have lengthy specific training requirements beyond the basic training. Additionally,

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[3] The information presented in this section comes from personal knowledge as well as information gathered through interviews.

community mediation centers can offer group facilitation services and one-on-one conflict coaching services. It is also important to note that certain programs are contracted through the state and there are benefits of participation in these services. For example, a department of youth services sends information to their local community mediation center to offer restorative justice processes to juveniles charged, but not convicted of a crime. If the juvenile successfully completes the process and meets the terms of the agreement then he or she can petition to have the record expunged. In these cases the parents/guardians and the juvenile are motivated to participate, even though the process is still voluntary. For the sake of simplicity this thesis focuses on mediation as a broad concept and the data gathered generally pertains to all mediation types conducted within a given community mediation center.

Community Mediation Centers in Oregon: According to Carrie Heltzel, the current Director of the Oregon Office for Community Dispute Resolution, community mediation has been supported in Oregon since 1989 through statute.[4] From 1989-2002 there was an Oregon Dispute Resolution Commission that oversaw public policy facilitation, community mediation, and court-connected mediation programs. In 2003 this commission was defunded and the Oregon Office for Community Dispute Resolution was formed within the University of Oregon School of Law. This office "supports seventeen community dispute resolution centers in twenty-five Oregon counties through grantmaking, consultation, training, research, technical assistance, networking, and collaborative activities and initiatives" (2009-2011 Biennial Report, 2012, n.p.). Portland State University took over responsibility for public policy facilitation through Oregon

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[4] Personal communication, 18 April 2013

Consensus Program. Funding for court-mediation has dried up over time in Oregon and thus a lot of community mediation centers are currently taking over that responsibility pro bono.

According to the Oregon Office for Community Dispute Resolution's biennial report, 29,732 people in the state of Oregon received dispute resolution services during 2009-2011. There were 9,941 cases and 8,814 people requested information. Additionally there were 1,750 volunteers, including volunteer mediators, assisting with mediation with a total number of 52,769 volunteer hours. This report proves the success of mediation with 93% of respondents stating that they were very satisfied or satisfied with the results of the mediation. The vast majority (77%) of mediation cases reached an agreement (2009-2011 Biennial Report, 2012, n.p.). Unfortunately there are no available statistics regarding demographic information of participants or mediators, including ethnicity or numbers of bicultural or bilingual mediators.

Community mediation in Oregon has a rich history of pushing for cultural inclusion of the Latino community. Carrie Heltzel mentioned that various community mediation centers have often supported each other through providing and connecting bilingual mediators with other centers as needed (personal communication, 18 April 2013). This represents a push to create capacity and share resources. The desire for Latino inclusion is also highlighted by the creation of the Hispanic/Latino Community Dispute Resolution Project. Additionally, culture and cross-cultural conflict resolution is often a topic highlighted at local mediation conferences and professional development workshops hosted by Oregon Mediation Association. This study grounds theory with practice to further the conversation of Latino cultural inclusion issues within community

mediation centers in Oregon. The focus on Latino cultural inclusion has faded since the

end of the funding for the Hispanic/Latino Community Dispute Resolution Project;

however, the end of one revenue stream does not mean that advances cannot be made for

community mediation to become more culturally inclusive. This study focuses on the

current efforts towards cultural inclusion of Latinos by community mediation centers.

Additionally, it presents new ways to look at barriers to cultural inclusion on both an

internal and external level – specifically examining the internal through utilizing theories

from the field of intercultural sensitivity and conflict resolution.

Community Mediation Centers and Latinos: Issues of diversity and culture are

important in community mediation – the rules governing the Community Dispute

Resolution Program state that one of the requirements of the mediator is "sensitivity and

awareness of cross-cultural issues" (Oregon Office for Community Dispute Resolution,

2011, n.p.). LeBaron writes about the importance of these issues:

> Mediation as a tool will be less likely to perpetuate racism and
> privilege if it is dispensed by a diverse group of practitioners who
> have the skills to adapt the process to users and a complex
> appreciation of culture. The more appropriate and flexible our
> mediation processes, the more people they will meaningfully and
> justly serve (n.d., n.p.).

The Oregon Mediation Association's Hispanic/Latino Community Dispute Resolution

Project highlighted the need to adapt and reach out to the Latino community within

Oregon. According to the Latino focus groups included in the needs assessment portion

of the project, there were a series of findings that suggested ways to increase the

participation of the Latino community (Interface Network, 2003). These key findings

included: importance of having people involved in the mediation process who speak

Spanish; some conflicts are more suited for mediation than others (martial problems would be harder to address through mediation); Latinos must feel comfortable in the physical environment in the mediation center; Latinos should be permitted to have a family mediator included in the mediation process; the mediator should be from the community; Latina women are more inclined to engage in mediation than men; an emphasis should be placed on the private and confidential nature of mediation; outreach materials should be in Spanish; and the mediator should speak Spanish (p. 31-32). To successfully include the Latino population, as well as other minority groups, there must be constant examination and evaluation of the processes used by mediators as well as administrators of community mediation centers.

The Latino Immigrant Experience

This section seeks to explore issues of complexities that may affect Latino immigrants living in the United States of America (USA). The term Latino or Hispanic is used to encompass a wide array of people from a vast region of the world. Latinos from different countries have different cultures and different worldviews, yet when they come into the USA they are all grouped together. Thus literature on cultural competency primarily groups Latinos together or into geographic areas such as Mexico, Central and South America. Even though the Latino population is diverse, it does have one particular trait in common – these people have experienced immigration and lived a bicultural existence. This is not to suggest that cultural generalizations cannot be helpful, merely to expand on them to include other descriptors based on common experience. The focus of this thesis is on first and second generation Latinos, specifically those living in Oregon. This section will describe the current demographics of Latinos in Oregon, the cultural

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aspects of biculturalism, racial/ethnic hierarchies, and the "Latino threat" narrative. Biculturalism is a sociological term that describes the co-existence of two distinct cultures in one person (Mendoza and Gonzales-Berry, 2010; and Stephen, 2010). Racial/ethnic hierarchies travel from their countries of origin and also mix in some manner with the racial structure of the USA (Wade, 1997; Villarreal, 2010; Bonilla-Silva, 1999). Lastly, the "Latino threat" narrative demonstrates the issues of fear from both the Latino perspective, but also the American citizen perspective (Chavez, 2008; Coutin, 2010). These three issues illustrate some of the factors that continually influence the lives of Latino immigrants living in the USA despite their cultural background. This section speaks to the audience of mediators as these three issues can potentially have great impacts on mediation either between two Latino parties or a bicultural mediation between Latino and Anglo (or someone from another culture) parties.

Diversity in Oregon: Latinos represent a large percentage of the populations of communities across the USA and Oregon (see Figure 2). The US Census in 2010 reported that Latinos make up 16.35% of the total population of the USA and 23.19% of the population of ages 17 and younger. Across Oregon, Latinos comprise 11.75% of the population and 20.88% of the population of ages 17 and younger (Oregon Latino Agenda for Action, 2010). Additionally while the average percentage of population growth between 2000-2010 in the USA was 10%, for Latinos that increase was 43%. Specifically in Oregon the overall population growth was 12%, and the Latino population growth was 64% (Oregon Latino Agenda for Action, 2010). These statistics represent the changing demographics across Oregon and the importance of understanding how to integrate the Latino population (both immigrants and second generation) into existing communities.

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Latinos have a history in Oregon. "Latinos became a part of Oregon's population starting in the early 19th century, when predominantly Mexican workers came to the territory as vaqueros, miners, and mule traders" (Oregon Latino Agenda for Action, 2010). Additionally, now entire families are immigrating into Oregon instead of mainly male laborers. "Two strong indicators of the settlement of families in Oregon are the increase in the number of births to Mexican mothers and in the number of students of Mexican origin or descent in public schools" (Gonzales-Berry & Mendoza, 2010, p. 166). Gonzales-Berry and Mendoza cite data that states that 20% of births in Oregon are to Latino mothers who are mainly from Mexico. The majority of Latinos (a combined 49%)

Figure 2: Latino Population in Oregon by Counties (darker represents higher populations of Latinos)

Source: http://www.pewhispanic.org/2012/09/06/population-distribution-of-hispanic-origin-groups-by-county/
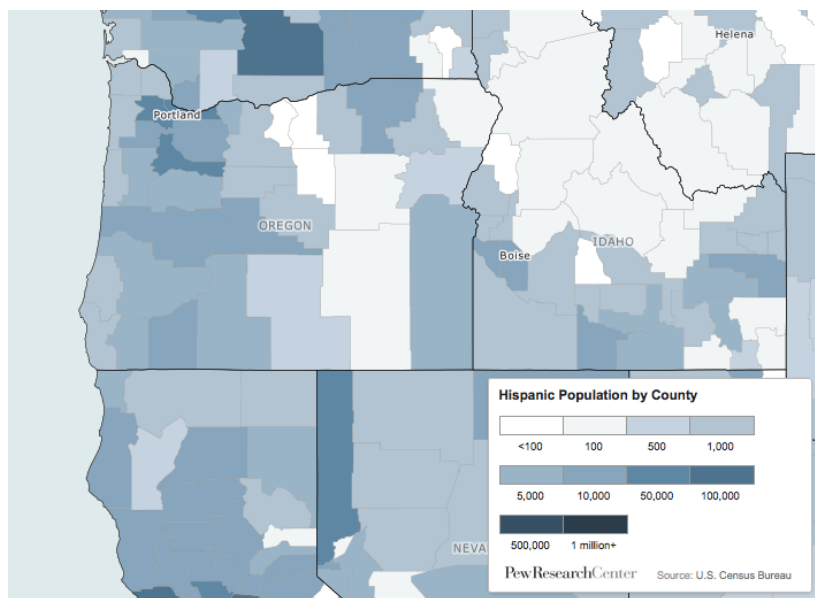
list their occupation as "service operations" or "production, transportation, and material moving" (Gonzales-Berry & Mendoza, 2010, p. 150). Poverty also runs rampant in the

Latino population – a report regarding Latinos in Multnomah County found that "individual poverty levels are 77% higher than Whites and… family poverty levels are 152% higher" (Curry-Stevens, Cross-Hemmer, & Coalition of Communities of Color, 2012, p. 2). This report also revealed that the unemployment rate for Latinos has doubled since 2007.

Latinos represent the changing diversity in the state of Oregon; however, these communities also represent higher levels of poverty and unemployment, which can translate into issues of social inequality and marginalization. One researcher who specifically studied the idea of Latino leadership training to increase public participation in Oregon pointed out these issues:

> Diverse cultural backgrounds in a community sometimes mean community members have differing understandings of the roles of individuals in American society. These unrecognized differences, coupled with newcomers' lack of understanding about local community expectations, and locals' misunderstanding of these newcomers, lead to continued social inequality and marginalization of the immigrant group (Curiel, 2007, p. 12).

While the Latino population in Oregon is continuing to grow, there are still major problems arising that reflect the marginalization of these Latino communities. One way to address these issues and increase public participation of Latino immigrants is through the utilization of community mediation centers. This provides a platform for Latino community members to communicate with members of the Anglo population regarding specific conflicts. Ideally, mediation increases the ability of people to communicate with each other on a larger scale then simply regarding the particular conflict that brought each party into the room thus slowly increasing levels of understanding between different populations.

Bicultural Identity: When working with people to resolve their conflicts,[5] one consideration is the way identity informs the individuals' approach to conflict. Cultures greatly inform identity and immigrants typically have a blend of both Latino and dominant (Anglo) culture that need to be considered. While first generation immigrants tend to have more difficulty adapting to US culture, first and a half[6] and second generation immigrants (the children of first generation) are typically much quicker to adapt and become bicultural (Mendoza and Gonzales-Berry, 2010). These differences can create conflicts within families and communities based on generational differences. The geographic proximity of the homelands of Latino immigrants, especially Mexico, allow for connections to remain strong between immigrants and their relatives, communities of origin and cultural values.

The formation of transborder communities is a special consideration for Latino immigrants, given this close proximity. Lynn Stephen (2010) discusses this concept of transborder communities created between Mexico and the USA through immigration – specifically those created between Oaxaca, Mexico and Oregon. The effects of these transborder communities are important considerations when discussing issues of biculturalism. A transborder community is a socially constructed community that does not manifest itself in just one physical location (Stephen, 2010). It consists of a community of immigrants living in the USA and their home communities in Mexico or elsewhere. Transborder communities allow for a group of people to maintain cultural identity while living away from their home of origin. The border between the USA and

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[5] Conflicts as defined as types of issues that could be resolved through the various types of mediation as described on page 24.

[6] First and half generation refers to those who immigrated as infants or young children.

Mexico is not just a physical one, but also a political, economical and social boundary. When immigrants cross the border they have to figure out how to adapt to a new culture, customs, and way of life while simultaneously maintaining their own culture. A transborder community functions in different ways than typical communities within the USA in terms of culture, economic and social exchange, human interactions, gender and family relations, and the political/social organizations that exist due to the connections that exist across geographic and political space (Stephen, 2010).

Issues surrounding the bicultural identity of Latino immigrants are extremely complex and generally vary depending on the generational level of the immigrant as well as his or her level of integration with USA society. Mendoza and Gonzales-Berry (2010) discuss the social networks created through transborder border communities that assist new immigrants in finding affordable housing and jobs. A side effect of this is that the immigrant communities in the USA become increasingly insular. First generation immigrants are more disconnected with USA culture than second generation consisting of their children who interact with USA culture on a daily basis from a young formative age through the education system. While Latino immigrant identity is wrapped up in multiple layers of self, it is crucial to remember that identity issues are both self-constructed and given (Gonzalez, 1995). Latino identity is both placed upon Latinos by non-Latinos in the USA and is being simultaneously constructed and reconstructed by Latinos themselves.

The cultural dynamics that arise because of bicultural or transborder communities need to be examined to understand the distinct ways members of these communities might negotiate conflict. For example, someone with strong connections to Latino culture might value traditional forms of conflict resolution rather than ones that appear as a

formalized process. Traditional forms of conflict resolution for Latinos will be examined within Chapter IV and mainly involve a focus on resolving conflicts within the family or community and utilizing known and respected community members to assist with a conflict if necessary.

Second generation Latino immigrants, who grew up with an increased understanding and perhaps comfort with the USA legal system, might trust institutions more than their parents due to direct experience and documentation status. The vignette in the Preface of Nestor and Jim illustrates this complexity. Although Nestor has documentation, he still fears institutions due to his immigration experience. This fear limits his options for dealing with the conflict involving Jim. Biculturalism and differences between first and second generation Latino immigrants also could create a unique set of within-group conflicts motivated by issues of generation, cultural values, ethnicity/race, socioeconomic status and/or im(migration) status. Within issues of bicultural identity is the blending of racial hierarchies that exist in Latin America in conjunction with the racial divide that exists within the USA.

Issues of Race and Ethnicity: Race and ethnicity are extremely complex concepts that do not have straightforward definitions. Typically, race is described as phenotype variation (physical skin color differences) and ethnicity as cultural differences (language, customs, etc.). While some scholars contend that race as a concept should be eliminated in favor of ethnicity, other scholars focus on the historical differences of the two terms as a way of distinguishing them: "Race is a way of *otherizing*, of excluding. Ethnicity is a way of asserting distinctiveness and creating a sense of commonality" (Bonilla-Silva, 1999, p. 903). The two terms have historical differences, but perhaps

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more importantly their definitions greatly depend on context. One main point Wade (1997) focuses on is the importance of context – the political, social and cultural contexts of certain places greatly affect the role of race and ethnicity within a certain society. Wade explained that "the term 'black' has no simple referent, even in the Americas: its meaning varies according to context" (p. 13). The issues of racial hierarches and ethnic discrimination that exist in Latin America and enters into the USA with Latino immigrants can have a great effect on mediation. The racial discrimination that exists within the USA based on black/white dichotomy is well known within dominant society; however, mediators need to be aware of the implication of other types of racial discrimination by other cultures – such as Latinos. If mediators are not aware of these potentially subtle issues that arise based on race/ethnicity within Latin America then it could be very difficult to address the root cause of a conflict or gain an understanding of the influencing factors of a conflict.

The racial hierarchies that were set in place during the colonization of Latin America have created important differences among Latino immigrants in terms of race/ethnicity. It is also crucial to remember that issues of race/ethnicity are treated differently throughout Latin America. Villarreal (2010) asserts in "Indo-Latin American countries," like Mexico, ethnic distinctions are based more on cultural practices (indigenous language, dress, location, etc.) rather than phenotype differences. Wade (1997) also separates indigenous peoples and people of African descent and discusses racial/ethnic systems for both groups separately as systems that tend to work differently in countries that have a larger population of one or the other. Villareal suggests that the social boundary between white, mestizo and indigenous people is extremely fluid in

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Mexico. Villarreal's research suggests evidence of racial stratification in Mexico (those with darker, more indigenous, skin color are likely to be worse off in various capacities) – even though "no clear system of skin color categorization appears to exist in contemporary Mexico, or at least none has been documented" (p. 657). Hooker (2005) asserts that there are high levels of racial inequality and discrimination towards indigenous populations and Latinos of African descent. Racial hierarchies within Latin America are a social construction that Latino immigrants bring with them into the USA.

There are hundreds of different indigenous groups that are represented in the Mexican migrant worker population within the USA. There are higher numbers of indigenous peoples within the Mexican farm worker population than in the past (Stephen, 2010). With the emergence of these different indigenous people, ethnic and racial hierarchies that were established in Latin America are crossing over and becoming more apparent within the USA. These hierarchies are also creating specific challenges for some migrants through the discrimination against indigenous peoples.

Stephen (2010) conducted research about the movement of racial stratification from Mexico into Oregon. Indigenous peoples of Mixtec and Chatino descent have heavily migrated to Oregon and California from Oaxaca, Mexico. Within Mexico these peoples have been discriminated against throughout history. "What indigenous rights are and how they should be articulated in law remains a subject of bitter dispute in Mexico" (Stephen, 2010, p. 210). This hierarchy has also created a certain set of challenges for indigenous migrant workers. "Whether in the public schools, local businesses, or surrounding labor camps, the belittling of indigenous peoples that occurs in Mexico is often repeated in Oregon and California" (ibd, p. 211). These racial hierarchies in Mexico

and the USA affect the experience of indigenous immigrants because they are forced to take the worst jobs and living conditions, and face the most barriers to education because they are on the lowest rung of the racial hierarchy. In labor camps in Oregon the various Mexicans were grouped in cabins according to where they were from within Mexico. The indigenous workers are segregated in this way from other migrant workers in the camps and usually non-indigenous Mexicans will not associate with them. The language barrier often exacerbates the problem of segregation because some indigenous immigrants are not able to speak Spanish. There is evidence of members of the Anglo population becoming more socially aware of indigenous peoples through the US Census and grassroots organizations aimed at helping indigenous people. Even though efforts towards English/Spanish bilingualism have increased within the USA, these are primarily aimed at Spanish, which excludes indigenous populations that speak other languages.

Beyond the racial/ethnic hierarchies that are brought with Latinos living in USA, the existing racial/ethnic hierarchy in the USA is further transposed upon Latinos. Torres and Ngin (1995) assert that the conception of race is phenotype-based with a black/white dichotomy that does not create space for Latinos or Asian Americans. The history of the categorization of Latinos through the US Census demonstrates the difficulties of racial/ethnic categories. The authors also assert that it is impossible to categorize all "Latinos" into one category because they are culturally distinct across Latin America; however, within the current USA system Latinos are currently grouped together and there is not space for distinction. The following will address how Latinos as a collective group are fitting into the current racial stratification system in the USA.

Several scholars' research concludes that Latinos are being placed by the dominant society above blacks along a color spectrum that challenges the color divide. Lee and Bean (2004) discuss the changing color line in America through multiracial identity and intermarriage; however, Latinos and Asians are experiencing higher levels of intermarriage and are self-identifying as multiracial with greater frequency than blacks. The authors state "while the color line may be shifting for blacks, this shift is occurring far more slowly, consequently placing Asians and Latinos closer to whites than blacks are to whites, and demonstrating the tenacity of the black/white divide" (p. 237). Similarly Hunter, Allen and Telles (2001) conducted research involving the significance of skin color among Mexican Americans and African Americans – the authors write, "our findings showed skin color to be a more significant determinant of education and income among Blacks than among Chicanos [Mexican Americans]" (p. 180). Yancey (2003) concludes his book on the new black/non-black divide in USA by asserting the same conclusion. He writes, "the exceptional history and contemporary experiences of African Americans will relegate them into a lower social status for some time to come" (p. 163). Beyond this claim that Latinos are moving into to a place slightly above blacks from a racial/ethnic standpoint, many scholars believe that there is increased racial discrimination for darker-skinned Latinos within this new category.

Telles and Murguia (1990) conducted one of the first studies that illustrated that phenotype discrimination exists within the Latino immigrant population. Their results were disputed based upon the methodological framework, but even those who disputed the results acknowledged the possibility of this type of discrimination (Bohara & Davila, 1992). More recent research has not been disputed and there are a number of scholars

reporting that discrimination exists within the Latino racial category and that darker-skinned Latinos face increased levels of racial discrimination – this also intersects with gender based discrimination (Gomez, 2000; Espino & Franz, 2002; Hunter, Allen & Telles, 2001; Arce, Murguia & Frisbie, 1987; Hooker, 2005). Interestingly Gomez (2000) asserts that dark-skinned Latino men face more wage discrimination than dark-skinned Latina women. Similarly, Espino, and Franz (2002) illustrate that dark-skinned Mexican and Cubans faced "significantly lower occupational prestige scores" compared to their light-skinned counterparts; however, this was not the case for dark versus light-skinned Puerto Ricans. Overall, significant research exists to suggest a color continuum within racial/ethnic categories.

It is necessary to discuss self-identification patterns of Latinos based on census data. Currently, in regards to social science and federal policy "Hispanics/Latinos" are not considered a separate race – only an ethnicity. Given this information, the 2000 Census first asked respondents to mark if they were Spanish/Hispanic/Latino and then specify their race. In the 2000 census 48% of the respondents who identified as Spanish/Hispanic/Latino selected their race as white. Only 2% of Latino respondents identified themselves as black (Tafoya, 2005). Montalvo and Codina (2001) write about the colonial history and construction of race within Mexico to illustrate why Latino immigrants coming to the USA identify as white and avoid identifying as black. The authors draw the conclusion that "'Anglo' is strongly preferred by Chicanos over white to designate members of the dominant group, because it emphasizes contrasting cultures rather than racial markers" (p. 335). Racial markers, along phenotype lines, are not discussed in modern day Mexico. Another significant portion (46%) of the Latino

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respondents to the 2000 Census reported "some other race." Tafoya's research focuses

on Latino self-categorization and she concludes an article by writing:

> While the data presented indicate that SOR [some other race] Hispanics
> have less socioeconomic status and that they are less politically engaged
> and more often feel discriminated against, what cannot be discerned is
> whether SOR Hispanics choose that identity because they possess these
> characteristics or if these characteristics lead Hispanics to the adoption
> of the SOR label (p. 67).

This suggests that "Hispanic/Latino" labels are understood as a racial rather than ethnic

subgroup. An article by Hitlin, Brown and Elder (2007), using 2000 USA Census data,

reveals that many Latinos treat identity as race. The authors state that "Hispanic" should

be included within the race question on the Census given the social psychology behind

identity theory. Overall Latinos face a complex set of issues when attempting to self-

categorize themselves in the USA especially when Latino is not viewed as a race in the

USA, but race is typically not viewed on a strictly phenotype basis in Latin America.

Additionally, it appears that the massive amount of immigration is affecting the racial

(color) system in the USA – Bonilla-Silva (2004) even suggests that the system is

changing to reflect the more complex racial continuums of Latin America that are based

on more variables than phenotype.

Bonilla-Silva and Dietrich (2009) present a preliminary map of a tri-racial system

that is emerging in the USA that highlights the increased levels of racial discrimination

faced by dark-skinned Latinos. It illustrates the complexities in determining how the

color line might change to incorporate Latinos. Latinos are spread across the continuum

according to phenotype as well as level of assimilation. This table seems more

reminiscent of the racial system within Latin America, with the exception that it is still

strongly based on phenotype differences (although no longer solely based upon phenotype). Overall, this table seems to provide a good conclusion of how the racial system in the USA is beginning to change.

Understanding the racial/ethnic dynamics of Latino immigrants is crucial within mediation sessions. There might be racial/ethnic issues at play in a mediation session – especially if one party is indigenous and one party comes from a more affluent part of Latin America. This type of discrimination, based on ethnicity and class, can be seen in the vignette in the Preface featuring Maria and Rosa. Maria comes from a more affluent part of Mexico. Maria might already have some prejudice towards Rosa based on the systems of discrimination in Mexico. Issues of culture and identity can greatly inform how conflicts are handled and it is necessary for the mediator to have an understanding of these dynamics to effectively mediate the conflict. If the mediator assigned to Maria and Rosa is unaware of the potential for discrimination between the two parties then there might be an assumption made that both women are "Latinas." The mediation might not be as successful in creating mutual understanding or reach a lasting resolution. Another crucial component for cross-cultural mediation sessions is power dynamics, which issues of race/ethnicity greatly affect. In the case of Rosa and Maria since one party is indigenous then that party (Rosa) could feel disempowered in the mediation and the mediator might not know if he or she simply identifies both parties as "Latina." If one party is white and one party is Latino, potentially with indigenous heritage, the Latino party could feel even more disempowered due to the racism he or she faces from other Latinos as well as from the dominant culture within the USA. The Nestor and Jim vignette in the Preface illustrates this dynamic to a certain extent – Nestor might feel

multiple levels of discrimination not just directly from the racial slur that Jim used towards Nestor. These issues are complex and challenging; however, it is essential for the mediator to have at the very least a basic understanding of racial/ethnic dynamics that could possibly come into play during mediation.

Latino Threat Narrative: Leo Chavez (2008) describes the "Latino threat" as the fear of Anglo Americans that Mexicans are going to take back the land that historically was taken from them through the sheer numbers of immigrants. This fear is driven by the fact that white people believe Mexican immigrants are unique compared to other immigrants because they are unwilling to assimilate into US culture. Chavez (2008) gives examples of such myths as refusing to learn the English language, not sending children to school, having a lot of children who are automatically US citizens, and the creation of Spanish-speaking mini-cities inside of bigger cities (p. 21-43). The fears have driven the militarization of the USA/Mexico border. The "Latino threat" narrative has implications for social services and treatment of Latino immigrants besides militarization and anti-immigration policies.

Language policy is one social policy that can be analyzed in reference to the "Latino threat" narrative. Ochoa (1995) discusses the "transitional bilingualism" framework present within the USA, based on an analysis of laws, which *should* allow diverse/immigrant students the right to their own culture and language. The tensions that exist highlight the sociocultural conditions that contribute to racism and favor assimilation into the dominant culture. Factors that contribute to racism, nativism and xenophobia are: increasing heterogeneity of society, vertical mobility, effects of rapid social changes on the job market, ignorance and barriers to communication, size/density

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of the cultural group, direct competition, exploitative advantage, social regulation of

aggression, cultural devices to ensure loyalty, and overall differences in the ideologies of

cultural pluralism and assimilation (Ochoa, 1995). Ochoa asserts that the "Latino threat"

narrative has driven most of these factors. The author asserts that there must be a

"reexamination of values [that encourages] a renaissance of social justice" (p. 253). The

"Latino threat" narrative is challenged by values that encourage equality and freedom.

Most literature on the "Latino threat" narrative focuses on the threat the dominant

culture perceives; however, there is fear created on both sides of this narrative. The fear

of the dominant culture turns into policy that creates fear among the Latino immigrant

population. Coutin (2010) writes about the significant spatial implications for immigrants

through increased securitization by confining immigrants to specific spaces. Her research

analyzes three separate impacted groups who are confined in three unique ways: de facto

confinement to national territory, formal confinement in detention centers, and de facto

confinement within one's country of origin after deportation. Unauthorized presence

within the USA presents a unique blend of ambiguity for immigrants – they are entitled

to certain rights (attendance in public schools, utilization of emergency room care, etc.)

but denied other rights (inability to visit home country, inability to obtain a driver's

license, etc.). "Unauthorized migrants do not have a legal status to be lost, yet territorial

personhood still traps them" (Coutin, 2010, p. 202). This population becomes confined

between their illegal status and limited rights of territorial personhood[7] through an

inability to move freely and fear of being deported due to their illegal status. Yet they

have limited rights such as access to education. Coutin also mentions that, "poverty,

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[7] Right of territorial personhood speaks to the rights entitled to people who live within the geographic region of a country, such as the United States.

language barriers, and racial and ethnic differences, all of which are linked to immigration status in complex ways, can also exacerbate confinement" (p. 203). Immigrants experience intricate and ambiguous spatial limitations due to immigration.

It is crucial to examine the fear that both motivates and arises from the "Latino threat" narrative to understand the prejudice and racism that affects Latinos' everyday life and perhaps the motivating factors that contribute to behavior of other parties in a cross-cultural conflict. Through an understanding that fears can motivate actions, which could be perceived as discrimination by the dominant culture, a mediator could potentially increase communication and understanding between two parties during a cross-cultural mediation. Considering the Nestor and Jim vignette, it is possible that Jim feared Nestor in a certain way and that could have motivated his rationale for using a cultural slur or his overall lack of communication with Nestor. Social-structural factors construct and constrain migrants' lives, and yet, migrants refashion their communities, relationships and identities in the US context despite the constraints and challenges they face. Mediators and conflict resolution practitioners who work with Latinos need to have an understanding of these refashioned communities, relationships and identities to effectively bridge barriers created by a lack of understanding and communication that could effect mediation. Additionally mediators need to be aware of broad cultural aspects that impact Latinos for cases between two Latinos as well. Ethnic or racial hierarchies, biculturalism, and the "Latino threat" narrative create subtle implications for dynamics that could potentially arise during mediation. If a mediator has a basic understanding of cultural, socio-political and socio-economic issues that affect the Latino community than

there is a greater potential to increase communication and awareness during the

mediation, which also could contribute to a more effective and lasting agreement.

CHAPTER II

CULTURE AND CONFLICT RESOLUTION AND ISSUES OF CULTURAL

COMPETENCY IN SOCIAL SERVICES

Introduction

This chapter begins by defining culture then moves into a discussion of various

intercultural frameworks from a conflict resolution and social services perspective.

Conflict resolution scholars have focused on intercultural communication as a

particularly important aspect of cross-cultural dynamics due to the profound role that

communication plays in conflict. This chapter will begin by describing three main

intercultural frameworks that illustrate particular traits of certain cultures found in cross-

cultural conflict resolution literature. Collectivism and individualism, high and low

context communication, and small and large power distance are the three main

intercultural frameworks. These frameworks represent dualisms that may contribute to

the oversimplification of culture as simply a collection of group traits. In this discussion

it is important to understand that it is impossible to generalize an entire culture as sharing

the exact same trait or behavioral characteristics; there are always cultural deviations

(Bennett, 1998). In the past, conflict resolution emphasized certain traits of various

cultural groups as universal behaviors. Currently there has been a shift towards

acknowledging the importance of understanding how these descriptors can contribute to

dynamics in a certain conflict, but also maintain that conflict includes universal, cultural,

and individual processes (Augsburger, 1992). While generalizations, like the intercultural

frameworks, are helpful as a baseline for understanding the intersection of culture and

conflict, there must be an understanding of the individuality of people and culture as well.

After describing the three perspectives there is an examination of the intersection of culture and conflict resolution, specifically prescriptive and elicitive models, emic and etic approach, and traditional versus modern mediation.

The last part of this chapter focuses on the useful parallels between therapy, community mediation, and, more broadly, conflict resolution. In both cases the professional (therapist or mediator) is not supposed to have a personal relationship with the party/parties and is supposed to remain un-invested and neutral. Although training for becoming a therapist/social worker or mediator involves some information on diversity and issues of conflict, cultural competency is a subject of much debate within these fields. There is more empirical research done within the field of psychotherapy than within conflict resolution, especially on issues of cultural competency. Given the similarities between the two fields it is very helpful to examine the research from therapy regarding cultural competency.

Definition of Culture

What is culture? To discuss the importance of culturally sensitive mediation practices, there must be a shared understanding of the definition of culture. One mediator defines culture as "the way we were brought up and taught to deal with those everyday situations we all face as human beings" (Rendon, n.d., n.p.) Culture shapes the everyday responses, behaviors, actions, and attitudes on how to act in any given situation. While culture can be described on the group level, it can also be examined on an individual level. Singer (1998) describes culture on an individual level by stating "No two humans share only and exactly the same group memberships, or exactly the same ranking of the importance, to themselves, of the group membership they do share. Thus each person

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must be culturally unique" (p. 28). Cultural complexities of the "Latino" group label will be discussed throughout this thesis. Basically any cultural label becomes complex when people assume *unchanging* uniform traits on people from a single cultural classification:

> Culture is a group which shapes a person's values and identity. A single term used to define a particular culture is often exclusive. For example, the term 'Hispanic' does not take into account cultural differences between Cuban-Americans and Mexican-Americans. Cultural identities can stem from the following differences: race, ethnicity, gender, class, religion, country of origin, and geographic region (Williams, 1994, n.p.).

Williams describes layers of complexity within the "Latino" cultural label relating to the large geographic region that compromises Latin America. There is value in cultural labels and generalizations if one also remembers that each person has a unique blend of cultural associations. This thesis has a focus on both cultural generalizations based off the idea of group traits of cultures as well as a focus on the individual cultural make-up of a person. Essentially this thesis attempts to demonstrate the delicate balance between these two conceptions of culture that conflict resolution practitioners can bring into their work.

Culture and Conflict Resolution: Intercultural Frameworks

The three cultural descriptors that will be examined are: individualistic and collectivist cultures, high and low context communication, and small and large power distance. Other particular traits that might affect dynamics within mediation with Latinos will also be described at the end of this section. Typically, it is assumed that these different perspectives can be grouped together to paint a fuller picture of one specific culture. For example, collectivist cultures typically engage in high context communication, have a large power distance, and conceive time in a more polychronic

fashion. These traits typically describe overall characteristics of Latino culture. The

dominant culture within the United States can be generalized with the opposite set of

traits: individualistic with low context communication and a small power distance with a

more monochronic sense of time. These differences are helpful when trying to

comprehend specific cultural conflicts that could arise for Latinos living in the Untied

States – specifically second-generation immigrants whose parents could identify very

strongly with Latino cultures while successive generations might identify more with the

dominant culture in the Untied States.

Individualism and Collectivism: Individualism and collectivism as cultural

value patterns are one of the most crucial cultural descriptors (Ting-Toomey and Chung,

2005). Ting-Toomey and Chung (2005) describe individualism versus collectivism as an

identity value pattern. "Cultural value patterns form the basic criteria through which we

evaluate our own behaviors and the behaviors of others. They cue our expectations of

how we should act and how others should act during an interaction" (Ting-Toomey and

Chung, 2005, p. 54). These value patterns can easily lead to assumptions,

misunderstandings, or the escalation of conflict when the value patterns are different

between the parties. Other identity based value patterns are: power distance, masculinity

and femininity, and uncertainty avoidance, and long-term orientation to life versus short-

term (Avruch, 1998, p. 66). These value patterns will be examined at the end of this

section.

Individualism broadly refers to a cultural tendency to place more value on

individual identity over group identity. It "promotes self-efficiency, individual

responsibility, and personal autonomy" (Ting-Toomey and Chung, 2005, p. 59).

Typically, within cultures with individualist cultural patterns there is value placed upon looking after the individual and his or her immediate "nuclear" family. Research, based on surveys and questionnaires, shows that high levels of individualism are found in the United States, while collectivism is prominent in Latin American cultures (Ting-Toomey and Chung, 2005). Conversely, collectivism places value on group identity and rights over those of the individual. Ting-Toomey and Chung (2005) describe collectivism as "ingroup needs over individual wants" and it fosters "ingroup collaborative spirit" (p. 60). Collectivism also promotes harmony within the ingroup culture. The authors expound on the importance of interdependence within collectivistic cultures, "although they will look after the welfare of ingroup members, they also expect their ingroup members to look after their interests and concerns throughout their lifetimes" (Ting-Toomey and Chung, 2005, p. 61). Simply put, while collectivism values the collective ingroup, individualism places more value on the individual.

The difference between individual and collectivist cultures is particularly poignant when examining cultural conflicts for Latinos living in the United States. Hofstede (1997) writes about the individual and the collectivist cultures within the family unit. He illustrates collectivist families as: cherishing harmony and loyalty, not voicing personal opinions, feeling a sense of obligation to the family (both ritually and financially), valuing the concept of face, and containing the concept of shame. Individualistic cultures are on the opposite side of the spectrum in every way and are described as: encouraging personal opinions, avoiding silence, favoring verbal arguments, and valuing personal financial stability (parents encourage children to work and earn personal income) (Hofstede, 1997). Latino cultures are typically referred to as

collectivist and the dominant American culture is considered to have a more

individualistic orientation. These contrasting cultural tendencies could easily generate a

lot of conflict within the family, as the younger generations may develop more

individualistic tendencies.

High and Low Context Communication: Edward T. Hall (1998) characterizes

cultures into two different groups relating to communication styles: high-context and

low-context. Hall distinguishes high-context as "A high-context (HC) communication or

message is one in which *most* of the information is already in the person, while very little

is in the coded, explicit, transmitted part of the message" (p. 61). Conversely, Hall

describes low-context communication as "just the opposite, that is, the mass of the

information is vested in the explicit code" (p. 61). Augsburger (1992) describes the

differences in communication,

> low-context cultures prefer directness, specificity, frankness in
> stating demands, confrontation, and open self-disclosure… high-
> context cultures tend toward indirectness, ambiguous, cautious,
> nonconfrontational, and subtle ways of working through
> communication and relational tangles (p. 28).

High-context communicators tend towards metaphors and maintaining face.[8] People

utilizing low-context communication tend to have an individualistic cultural value

pattern, while high-context communicators usually come from a collectivist cultural

value pattern. The different communication styles are important to consider when

examining cultural misconceptions.

Typically Americans are viewed as low-context with direct and confrontational

attitudes when dealing with conflict while Latin American cultures tend towards high-

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[8] "Saving face" is a term used in psychology, sociology and communication studies to
describe positive social values attributed to someone.

context communication (Augsburger, 1992). These differences also create situations previously mentioned where conflicts may arise both intergenerationally with Latino immigrants as well as exacerbate conflicts between mainstream United States culture and Latino immigrants. The vignette of Nestor and Jim in the Preface demonstrates this potential as Jim directly and somewhat aggressively, through the use of a cultural slur, tells Nestor that he will not return the money for the truck. Nestor is left frustrated and confused as he no longer has any ideas for engaging with Jim regarding this conflict.

One concept that illustrates potential for misunderstanding between these two different communication values is "face" – "a public image that each person claims for herself or himself – but its function is significantly different in low-context or high-context cultures" (Augsburger, 1992, p. 90). The need to save face operates differently in each culture and can escalate conflict – especially in mediation where both parties are brought together. Augsburger (1992) describes this potential for conflict, "members of low-context cultures view the indirect way of handling conflict as a weak, cowardly, or evasive act while members of high-context cultures view the direct way of handling conflict as lacking in politeness, or good taste" (p. 91). Relationships are paramount to those of high-context, collectivist cultures, while those from low-context, individualistic cultures prefer to remove the relationship issues from the problem at hand. In times of conflict, important differences that emerge due to high and low context orientations are: concern, need, style, and strategy. Low-context cultures are concerned with: issues of self-face, the need for autonomy and dissociation, the utilization of control/confrontational, and the discovery of solution-orientated strategies to resolve conflicts. On the opposite side of the spectrum, high-context cultures are concerned with:

saving the face of others, needing inclusion and association, utilizing obliging or avoidance conflict strategies, and engaging in a strategy of resolution that is integrative or collaborative.

Overall, there are many ways that high and low context communication styles can clash during times of conflict. It is essential to have an understanding of these styles during mediation to figure out the dynamics at play and how misunderstanding or assumptions have emerged during the mediation or beforehand. It is equally important for mediators to understand their role as a mediator and the cultural assumptions they bring into the room, "an intervenor bringing low context communication expectations to mediation may encounter reticence from those with more high context communication patterns" (LeBaron, n.d., n.p). LeBaron illustrates the importance of a mediator to recognize cross-cultural dynamics not just between the parties, but also between the mediator and the parties.

Power Distance: Small and large power distance is another identity cultural value that describes a cultural trait that impacts the perception of appropriate relationships. Small power distance cultures place value upon equal power distributions within relationships, equal rights, and equitable rewards or punishments regarding performance (Ting-Toomey & Chung, 2005). Equality is held as a general goal within small power distance in cultures. In large power distance cultures people "accept unequal power distributions, hierarchical rights… and rewards and punishments based on age, rank, status, title, and seniority" (Ting-Toomey & Chung, 2005, p. 63). There is an overall respect for a certain power hierarchy within all systems, including: work, government, family, and social systems.

Issues related to power distance clearly arise within familial situations (Ting-Toomey & Chung, 2005). Within the family structure of a small power distance culture children are allowed to speak their mind and stand up to their parents with more freedom than within a large power distance culture where children are discouraged from confrontation and have more of a "seen but not heard" mentality. Elders within a family in a large power distance culture assume responsibility for decision-making where decision-making is more of a collaborative effort with children in a small power distance culture. This can be placed upon situations within the workplace as well. Conflicts can easily arise when people come together with different power distance value patterns because they will perceive the actions of others in a negative light. For instance, if a boss comes from a small power distance cultural background and expects all employees to participate in staff meetings and provide feedback, an employee from a high power distance culture might not understand and instead provide only positive feedback and not actively contribute during staff meetings. This could lead to a conflict between the boss and the employee. Lastly, collectivist cultures tend to have a high power distance while individualist cultures typically have a small power distance.

Other Cultural Value Patterns: Beyond the previously mentioned three cultural frameworks there are a number of other cultural descriptions. From the perspective of culture as a set of group traits: uncertainty avoidance, monochronic and polychronic conception of time, and gender ideologies are all cultural values that might be of particular importance in mediation involving a clash between dominant cultural views in the United States and Latino culture. These three traits also can be clustered with the other cultural frameworks. Collectivist cultures tend to have high uncertainty avoidance,

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a polychronic sense of time, and stricter gender roles; while individualist culture lean towards the opposite side of the spectrum with low uncertainty avoidance, a monochronic sense of time, and more flexible gender identities.

Uncertainty avoidance is a cultural value that describes either an affinity towards risk or away from it. Cultures with low or weak uncertainty avoidance tend towards "encourag[ing] risk taking and conflict-approaching modes" (Ting-Toomey & Chung, 2005, p. 65). The United States is identified as a traditionally low uncertainty avoidance culture where expectations (at work or home) can be negotiated and there is more space for innovative behavior. Latin American cultures typically lean towards strong or high uncertainty avoidance and have strict rules and expectations without room for negotiation. In high uncertainty avoidance there are clear procedures that lead to conflict avoidance behaviors (Ting-Toomey & Chung, 2005, p. 65).

Edward Hall (1998) coined the terms monochronic and polychronic to describe two main different perceptions of time. Monochronic refers to a cultural value placed upon a linear sense of time where people focus on one thing that at a time. Schedules are valued and time can be easily segmented and divided. On the opposite end of the spectrum is polychronic perception where many things or thoughts can happen at once. Polychronic sense of time is more fluid and relaxed. Hall (1998) writes "like oil and water, the two systems do not mix" (p. 60). This can manifest in mediation with one monochronic party becoming very frustrated with another polychronic party who may interweave stories together or may place on emphasis on small talk and relationship building or who may simply take longer breaks and not follow the agenda (or vice versa).

Lastly gender ideologies are cultural traits that can vary between cultures. Ting-Toomey and Chung (2005) provide a good overview of the difference that they describe as feminine and masculine value pattern (p. 66). In feminine cultures there is more fluidity between gender roles where women and men can fill either role. Masculine cultures have clear distinctions between the gender roles and typically males take initiative. In masculine cultures there is an emphasis placed on achievement rather than nurturance, males typically are expected to take the initiative, and "masculine toughness" and "feminine softness" is valued (Toomey and Chung, 2005, p. 67). Typically, feminine cultures tend be more individualistic and masculine cultures are collectivist. This issue can arise in a mediation when a Latino male has certain expectations for his family while his daughters, who were raised mainly in the United States, do not understand these expectations or a Latino male might look down upon his neighbor who is a stay at home dad as he perceives that man to be forsaking his duty to provide for his family. These issues could arise during family mediation with a Latino family. Additionally, these issues could influence the views and assumptions that one party has about the other party when the conflict resolves around a seemingly separate conflict entirely.

It is important to remember that all of the mentioned cultural values and frameworks assist with big picture generalizations about cultures; however, a spectrum exists for all of the frameworks where someone of a particular culture could moderately lean towards one side or the other. Overall, these general frameworks aim to provide conflict resolution practitioners with possible insight into a conflict; however, it is equally important to understand how to implement culturally appropriate design processes for mediation.

Culture, Conflict Resolution, Cultural Competency and Latinos[9]

Given the differences between value patterns and communication styles of different cultures, it is necessary to think about approaches to resolve conflicts between people of different cultures. Generally, collectivists (high-context, high power distance, polychronic, etc.) typically handle conflict in a high-context manner while individualists (low-context, low power distance, monochronic, etc.) handle conflict in a low-context, direct method. Ting-Toomey & Chung (2005) specifically discuss "Mexican-Americans" as caring about honor, respect, and face during times of conflict. This draws specifically on the collectivist nature of Latino cultures that have a large power distance with strong hierarchal relationships (Hofstede, 1997). These orientations mean that Latinos would generally tend to be quiet and thoughtful in times of conflict, focusing on polite and diplomatic conflict styles during small to midrange conflicts (Ting-Toomey & Chung, 2005). This could possibly manifest itself as conflict avoidance. During times of high conflict it is possible for Latinos, especially first and second generation immigrants, to identify more closely with their Latino ethnic heritage and display more emotions than those who do not identify as closely (Ting-Toomey & Chung, 2005). Conflict orientation, or approach to conflict, greatly depends on an individual's culture. Ting-Toomey and Chung (2005) write about the conflict orientation of Latino/a Americans. They say, "tremendous diversity that exists under the 'Latino/a American' label, we would do well to increase the complexity of our understanding of the values and distinctive conflict patterns of each group (e.g. Puerto Rican group, Cuban group, Mexican group)" (p. 278-279). Rice (2005) also asserts that Colombian, Mexican, and

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[9] This section utilizes and focuses upon the concept of culture as a set of group traits.

Cuban immigrants to the United States respond to conflict in similar yet unique ways. Overall, the conflict orientation depends greatly upon which culture, Latino (and which specific Latino culture) or American, the particular Latino was raised within or identifies with more closely.

Given these vast differences it is extremely hard to take a uniform or prescriptive approach to conflict resolution and assume cultural values of a particular person.

> The job of culturally appropriate process design is to develop a process that invites multiple dimensions of meaning into the forum, while addressing significant power imbalances and traumatic histories that contributed to a focus on particular aspects of cultural identity (LeBaron, n.d., n.p.).

LeBaron (n.d.) illustrates an important element of power and history that might impact how people of certain cultures might interact, which will also influence the previously mentioned frameworks. In another work LeBaron and Pillay (2006) describe the connection between conflict and culture that is always present. The authors assert that there are three different dimensions that can be visualized in a circle with the material level as the outermost layer of the circle. The material level includes "structures, systems, laws, rules, policies" (p. 20). The middle layer of the circle is labeled as the "symbolic level" that deals with "identities, worldviews, meaning-systems, values and perceptions" (p. 20). The inner most layer of conflict, and the circle, is the "relational level" that encompasses "communication, interactions, and interdependence" (p. 20). The authors assert that for a mediation to be successful it is crucial that changes happen at the material level; however, the symbolic and relational levels influence the material level and "shape how the concrete issues are perceived" (p. 20). This provides a helpful framework for mediators when trying to understand the complexity of the various levels that influence a

conflict beyond the material facts of the situation. The connection between conflict and culture is clear, yet adapting a process to be culturally appropriate is challenging. LeBaron (n.d.) writes, "culturally sensitive process design requires an awareness of the macro and micro levels, attending to both group identity and personal dynamics" (n.p.). This highlights the need for mediators and mediation programming that acknowledges the delicate balance between cultural group traits as well as individuality.

An article by Ruth Dean (2001) entitled "The Myth of Cross-Cultural Competence" illustrates the benefits of reaching a space of having an ability to not understand for practitioners who work closely with different cultures. Dean questions the ability of someone to become competent in a culture of another through examining various models of cultural competence. A modernist view of cultural competence is "rooted in ethnological and anthropological studies" and "based on more static or modernist views of ethnicity and culture" (Dean, 2001, p. 625). A postmodern view focuses on "the continually changing and evolving nature of cultural identities" (p. 625). The psychoanalytic intersubjectivist position argues for practitioners to become aware of their own cultural baggage – "becoming aware of it and keeping this awareness in the forefront of consciousness, makes it more likely that we will limit its impact on our work" (p. 626). Overall, Dean argues for "the paradoxical combination of these two ideas – being 'informed' and 'not knowing' simultaneously – captures the orientation to one's 'lack of competence' that I am suggesting is needed in cross-cultural work" (p. 628). This captures the delicate balance between knowing cultural generalizations and understanding cultural uniqueness. The following section describes various methods of conflict resolution that have arisen from concern for expanding the process to be

culturally inclusive. Cultural generalizations like the previously described cultural

frameworks provide, at the very least, a common language and understanding about

broad cultural value differences.

Prescriptive and Elicitive Approaches to Conflict Resolution: Lederach's

(1995) fundamental work, entitled Preparing for Peace, highlights the differences of

prescriptive and elicitive approaches to conflict resolution. Lederach asserts the

importance of an elicitive approach, especially involving cross-cultural conflict resolution

work. Prescriptive and elicitive approaches each lie at separate ends of a spectrum. It is

possible for a conflict resolution technique to use concepts of both approaches. Within

the prescriptive approach conflict resolution training is considered as a transfer of

knowledge with a "master approach and techniques" (p. 65). The trainer is considered to

be an "expert, model, and facilitator" (p. 65). Most importantly in the prescriptive

approach, culture is used as a technique. The elicitive approach uses "culture as

foundation and seedbed" for the entire process (p. 65). The main resource of the elicitive

approach is "within-setting knowledge" and the training is more process oriented and the

parties "participate in model creation" (p. 65). The main role of the trainer in this

approach is a "catalyst and facilitator" (p. 65). There are both positive and negative

aspects to each approach. Lederach writes about the prescriptive approach, "the

techniques provide concrete ideas and skills, and move the participants toward

application, often with a keen sense of accomplishment" (p. 68). A negative aspect of the

prescriptive approach is the "assumptions of cultural universality" that underlie this

approach, which means that essentially there is a belief that an certain conflict resolution

approach can be applied across cultures (p. 68). The use of culture is the biggest strength

of the elicitive approach – it uses culture to lead the process, which tends to be longer than that of the prescriptive one. The elicitive and prescriptive approaches are the first descriptions of conflict resolution that dealt with the importance of conflict resolution in cross-cultural applications. These approaches serve as a fundamental way to examine community mediation processes and the methods that mediators may use to engage participants in the process.

      Emic and Etic Approaches to Conflict Resolution: Kevin Avruch (1998), a well-known professor of anthropology and conflict resolution, uses the terms emic and etic to point towards "different ways of conceptualizing an approach to culture that has relevance for training negotiators or conflict resolutionists" (p. 61). The emic approach identifies and uses "a native term or institution as the key organizing concept for description and analysis" (p. 61). Avruch asserts that the emic model is rooted in cultural context; however, he notes that it is crucial not to fall back upon cultural generalizations. One needs to constantly focus on "close dialectical examination of ongoing social practice, of texts or behaviors" meaning that the cultural context of the conflict is essential (p. 63). The emic approach calls for the examination of the "natives" conceptions of conflict and conflict resolution. The emic approach places more of an emphasis on cultural context, while the etic approach focuses on underlying cultural descriptors. High and low context communication or any of the other previously mentioned frameworks serve as an example of an etic approach. Avruch writes about etic approaches, "All of them claim to present the analyst with a seemingly universal scale or set of dimensions upon which all cultures can be placed and thus to present a vocabulary for… comparing cultures across the board" (p. 64). Avruch does acknowledge that etic

approaches serve as a good baseline for drawing comparisons; however, he argues for a more emic style approach to conflict resolution that relies heavily on context.

Traditional Versus Modern Mediation: Augsburger (1992) writes about traditional and modern mediation structures and the lessons learned from traditional mediation processes. To illustrate the differences he describes two workplace conflict scenarios – one with Pablo in a Latin American context and one with Paul in a North American context. In both stories the men feel wronged by another worker. Pablo relies on the network of friends and personal relationships to intervene on his behalf, while Paul waits for an opportunity for private, direct intervention possibly with the assistance of a neutral third party. Augsburger (1992) asserts that, "mediation arises from different cultural expectations, takes contrasting forms, yet may serve parallel functions in traditional and modern cultures" (p. 203). Using an etic approach to conflict resolution techniques he claims that traditional mediation is common in collectivist cultures and modern mediation occurs in individualistic cultures. Some of the differences between traditional and modern mediation processes can be seen through examining issues of personal identity, social status and rank, preferred negotiation process, social roles, mediator's function, and time frame. In traditional mediation the collective identity is crucial, status is derived from relationships/position, informal negotiation based on relationship building is central, "life experience and social position are criteria for trust," the mediator is a member of the community, and time is cyclical (p. 202). Typically, modern mediation falls on the opposite side of the spectrum: individual identity is important, status is achieved through accomplishments, formal process of negotiation is preferred, technical expertise is valued, the mediator is impartial and not a part of the

community, and time is linear (p. 202). Additionally, in modern mediation, confrontation and direct communication is preferred while traditional mediation often utilizes a mediator as a go-between to save face and balance power. Augsburger also highlights lessons drawn from traditional mediation that are emerging in Western societies in modern mediation processes: initiation by a neutral/impartial third party, acceptability by both parties, non-coercive, nonbinding, non-prescriptive, non-threatening, and conclusive practices at the end through an arrangement or agreement (p. 217).

Lederach (1995) uses the labels of particular and universal to describe the differences in types of approaches to conflict resolution. He uses a comparison of community mediation in the United States and the resolution process of an inter-clan conflict in Somalia to demonstrate particular and universal forms of conflict resolution. An important concept is that community mediation is a relatively modern development with particular processes that train mediators to use a certain set of steps to facilitate the dialogue. Modern, formalized, and particular mediation compared to traditional, informal, and universal mediation behaves very differently but can serve the same purpose. Mediators trained in community mediation processes can help those more familiar with informal, traditional mediation to understand the process through familiarizing themselves with the differences in the two approaches. Additionally, mediators who understand the differences are better able to adapt and change the process to fit the parties' needs and best interests.

The Role of the Third Party: An important aspect of modern mediation is the role of the third party mediator. Mediators are trained to serve as impartial, neutral facilitators of conflict. Additionally, the best practice is usually to use a mediator who

does not have any connection with either of the parties in conflict. As mentioned throughout this section, in other cultures informal conflict mediation is often done with family members or respected community members. It is crucial to understand the role of the third party in conflict and certain concepts that can affect their credibility or trust with the parties.

How does a mediator build a trusting relationship with two parties – especially when there is a strong cultural element? LeBaron (2003) acknowledges that the third party needs to be constantly aware of the interrelationship between cultural fluency and conflict fluency (p. 273). This relationship greatly impacts the process and defines the successful approaches a third party should utilize in a certain situations. Frequently the use of stories, rituals, metaphors, and myths can be helpful in creating bridges to connect two people of different cultures during conflict (LeBaron, 2003, p. 276-282). These strategies can increase the likelihood of the mediator gaining trust or credibility with the parties. Various types of credibility exist and it can be helpful to understand what values might make a mediator credible in the eyes of the parties. Inherent credibility involves "attributes like gender, generation, and nationality. These are out of our control yet relevant to others' perceptions of our acceptability as intervenors" (LeBaron, 2003, p. 286). Expert credibility is derived from knowledge and experience. Conferred credibility can arise from credentials based on education or relationships depending on the values of the specific culture. Contribution credibility is related to the ability of the mediator to get actual results. Lastly, congruent credibility occurs when the mediator's "values fit with those of the people in conflict and when the intervenor's professed philosophy and behaviors match" (LeBaron, 2003, p. 287). Depending on the culture, credibility is more

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likely derived from specific types of the previously mentioned credibility methods. Implicit versus explicit knowledge is another concept to consider regarding issues of trust and credibility (Lederach, 1995, p. 44). Implicit knowledge regarding a conflict comes from ingrained knowledge derived from a cultural background. Explicit knowledge is viewed as expertise in the field based on a theoretical background. For example, as a white woman who speaks Spanish, lived in Latin America and formally studied conflict resolution – I have more explicit knowledge about Latinos in community mediation with a bit of implicit knowledge gleaned from my experiences regarding mediation in Latin America. In certain cultures explicit knowledge or implicit knowledge might be more likely to be valued as a way to build trust.

In Latin America relationships are a central part of conflict at every stage, including the use of a third party. Through dialogue sessions with a group of Central Americans, Lederach noticed that there tended to be three paths of action when in conflict – *el consejo*, *la confianza* and *las patas* (Lederach, 1991). *El consejo* (advice) is the process by which one seeks out advice about a certain conflict – which is also the most common response to conflict. *Confianza* (confidence or trust) usually takes the form of a problem-solving technique based on mutuality of trust and of "intimate self-revelation of problems, hurts, and weaknesses" (p. 178). *Confianza* is more than simply confidence or trust, and has to do with relationship building and serves as an entry technique for people to reach out to someone during a conflict (Lederach, 1995, p. 89). Finally, *las patas* (feet or legs) is viewed as connections or the ability to use people in the network of relationships that can help to resolve the conflict because of their position, abilities, or connections. All of these methods emphasize the implicit knowledge of a

third party who demonstrates an understanding of the interrelationship between cultural and conflict dynamics. This knowledge has the potential to shift the typical model of community mediation processes for Latinos towards a model more based on cultural dynamics and the context of the conflict.

Cultural Competency in Social Services

The very definition of cultural competency has evolved over time; several scholars (Altarriba & Bauer, 1998; Lakes, López, S & Garro, 2006; Lopez, 1997; and Zayas & Torres, 2009) assert that originally cultural competence was merely a set of generalizations about different cultures that the professional needed to take into account when working with the client. Other scholars, like Sue (1998), assert that cultural competency is a skillset where the practitioner knows "when to generalize and be inclusive and when to individualize and be exclusive" (p. 446). In general there appears to be a need to both understand the various generalizations regarding different cultures as well as the ability to distinguish the right course of action for the client as an individual. This aligns with the current ideas in the field of conflict resolution that were presented in the previous section. This section will focus on literature based on empirical research within the field of social services, mainly psychotherapy, relating to the need to focus on the individual and not on broad generalizations of the individual's cultural group.

Approaches to Cultural Competency: All of the scholars cited below conducted research regarding the need to focus on the individual client beyond merely classifying him or her as a "Latino/a." Lopez (1997) specifically describes this need:

> Cultural competence is not a simple formula that can be easily
> followed from session to session. Nor is it a set of cultural facts
> that one can apply. Instead it is a perspective that respects the
> complexity of each individual and his or her cultural context.

> Moving between the cultural frames of the client and clinician is
> essential to cultural competence. To develop this skill, supervisors
> and trainees alike must think critically about the role of culture in
> clinical practice (p. 586)

Lopez describes a complex perspective where there is no formula for cultural competence. He discusses how clinicians previously have either minimized cultural aspects or used stereotypes and over generalized – either error leads to misdiagnoses. He argues for clinicians to consider both cultural perspectives and aspects of the individual as well as stereotypes. This consideration should apply to the processes of engagement, assessment, theory behind approach to treatment, methods (procedures used to facilitate behavioral change), and extra-clinical aspects of training (Lopez, 1997). The process that Lopez describes is also similar to the process of community mediation. Within community mediation there is initial contact and case development where the mediator speaks with both parties separately and decides if mediation is the best course of action. Then the mediator(s) typically has certain understandings that are discovered from both parties that influence his or her actions within the mediation (theory behind strategy). Additionally, it is very common in training for mediators to observe and be present in mediation sessions. Given the similarities in the process and training for therapists and mediators – Lopez's focus on trainees as well as practitioners it particularly relevant. New mediators need to think critically about culture from the very beginning of their training. It is crucial to be aware of how easy it is to minimize cultural aspects of the individual and to over rely on stereotypes.

Lakes, López, and Garro (2006) also assert the need to move past a cultural competency model that is based upon broad generalizations of minority cultures. The

authors use a case study of a Latino family in therapy to illustrate cultural competence through the use of the "Shifting Cultural Lenses" concept of culture and shared narratives. According to the authors, until recently the main method of cultural competence consisted of broad cultural categorizations of minority ethnic groups as compared to the Euro-American majority. The authors assert that this type of cultural competency "inadvertently promote[s] group stereotypes in the guise of cultural sensitivity" (p. 381) and does not address individual needs. The "what is at stake in local worlds" model of culture defines culture as "grounded in everyday life" and "an influence in others' behavior" (p. 383). Utilizing this model ensures that no broad assumptions about cultures are made throughout the process. This article presents a key shift in thinking about cultural competence. The models discussed in this chapter both focus on the individual and how the individual shapes his or her own culture – these concepts can be especially helpful for mediators to understand that culture greatly informs how people deal with conflict.

Altarriba and Bauer (1998) also assert the importance of focusing on the individual, but they also discuss certain generalizations that can be helpful based on their research on counseling various different nationalities of Latino clients (Mexican Americans, Cuban Americans, and Puerto Ricans). The authors assert that different groups from Latin America should not be categorized together. Rice (2005) also writes about the cultural differences between Mexican, Cubans and Colombians living in Oregon, although he focused more on conflict styles. Altarriba and Bauer (1998) discuss how a client's worldview, cultural values, and family values provide a certain framework to provide counseling. Migration and place of residence also matter – for instance

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Mexican Americans are the largest group coming into the USA without documents and there might be more fear of deportation. It is necessary to consider under what circumstances a client came to the USA and "how that client perceives he or she was received by the general American public" (p. 391). Different groups of Latin Americans can be of very different socioeconomic situations. Values that are generally important to all of these groups more broadly are: family cohesiveness, allocentrism (collectivism), *simpatcia*,[10] and religious values. Altarriba and Bauer mention certain qualities that they found important across certain Latino cultures, and highlight the need to remember that the "Latino/a" cultural label does not mean that there is one shared culture. This reinforces the notion that generalizations as well as the knowledge that every individual is different both play a role for social work practitioners.

Zayas and Torres (2009) illustrate a specific case study of a Puerto Rican male client and a Puerto Rican male therapist to describe certain considerations when both the client and therapist are Latino men engaged in a clinical interaction. After the initial call – the client self-referred – the therapist prepared for the assessment by considering common characteristics of Latino male culture, including the issues of shame and how that can project as aggression or anger. Another key aspect with Latino culture is the idea of "*personalismo*" that is characterized as "interacting in a personalized, open manner" (p. 296). Throughout the process, the therapist decided to self-disclose at certain points and directly answer personal questions asked by the client. This was due to the cultural concept of *personalismo* as well as part of the therapeutic process to build confidence – this demonstrates the need to adjust traditional approaches to create the most effective

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[10] The "need for behaviors that promote pleasant and nonconflicting social relationships" (p. 391)

process for the client. The authors conclude by writing, "the case points to the importance of distinguishing between the person's unique *individual* qualities and the person's *culture*, and not imposing culture over individuality" (p. 301). The therapist made certain adjustments to the process through acknowledging aspects of the individual's culture. This article demonstrates two important considerations that can be applied to mediation and conflict resolution: the need for the practitioner to acknowledge his or her own culture and the role that his or her background might play in the interaction and the need for a blend of utilizing knowledge of generalizations of the individual's culture and focusing on the individual's qualities.

Process Adjustments: In addition to broad thinking around issues of cultural competency, other research focuses on specific adjustments to the process due to issues arising from cultural awareness. Many of the scholars cited in the previous section mention the need to simply be aware of cultural competency issues and that there is no formula for specific procedural adjustments. For example, the therapist discussed in the case study by Zayas and Torres (2009) decided to reveal more personal information about himself, something typically frowned upon within the field, due to the cultural concept of *personalismo* as a way to build trust. Arguelles and Rivero (1995) discuss work with HIV/AIDS patients who identify as bicultural with Latino heritage. A lot of these patients, to varying degrees, have their hopelessness and helplessness exacerbated "by their beliefs in hexes, spells, or God's punishment as explanations for their current and anticipated suffering with AIDS" (p. 157). Psycho-therapeutic treatments have expanded to incorporate spiritual identities of Latino patients. This combination of both "comprehensive and compassionate responses" (p. 167) can be applied to community

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mediation in a broader sense as well. Space needs to be given for participants' potentially spiritual rationale or responses to the problem. Likewise it might be helpful for the mediator to reveal personal information in order to gain the trust of the clients. Indeed an experienced mediator has written that Latinos might even prefer to have access to a mediator who is respected within their community (Llapur, 2005).

Other procedural adjustments take place before the actual service is provided. Smith-Adcock, et al. (2006) discuss culturally competent school counseling for Latino students. The authors discuss their research through sending surveys to school administrators in Florida regarding Latino students. It is also a priority for schools to reach out to Latino families and communities – beyond the students. This outreach should preferably be conducted in Spanish. The authors continuously emphasize the need for bilingual (English/Spanish) counselors and outreach, but only once mention the idea of training more bicultural counselors. The main response from the survey was that school districts desired more bilingual school counselors – speaking the same language can facilitate a more accurate assessment. Cultural barriers for Latino students (trouble negotiating school culture, experiencing isolation, etc.) were mentioned as a rationale for the need of bilingual counselors over other personnel within the school. Within an article about working with first generational Latino families, language is also emphasized at every stage of assistance through translators for written documents, interpreters for conversations, and bilingual/bicultural staff for interactions. Additionally, *familismo* is also mentioned as a cultural trait that emphasizes the "ties to and reliance on relatives and friends, [which] makes people reluctant to go outside their family or community for help" ("Working with First…," 2002, n.p.). This article is meant for child welfare and social

workers, but is also applicable for conflict resolution/mediation practitioners. Typically within a mediation only the people who are directly involved in the conflict are present; however, for Latino parties mediators need to remember the possible importance of *familismo* and may need to invite other members of the family to participate or support the main party during the mediation. *Familismo* is another reason why outreach to Latino communities is essential – where the dominant American culture might be familiar and trusting of community mediation, the Latino community most likely is not familiar with this resource and might be distrusting of it at the beginning. Additionally, language barriers can be detrimental to mediation if not dealt with at every step of the process (from initial contact to written documents to the actual mediation).

Overall, every adjustment made needs to fit the communities that they are aimed at serving. Lau (2006) writes about the need for appropriate Evidence Based Treatments within clinical psychology. Lau uses examples of adaptations for parent management training to demonstrate her assertions of contextualizing content and enhancing engagement in a twofold approach through addressing barriers to engagement in services and the content within the services. Lau concludes by stating one other advantage of cultural adaptations, "novel interventions often arise from refinements of existing treatments that have been tailored for specific subgroups with their broader utility being recognized only later with subsequent applications to additional groups" (p. 306). This approach to adjustments for cultural competency argues for more flexibility in the process overall instead of focusing on adjustments for specific cultures or groups.

CHAPTER III

RESEARCH METHODOLOGY

The qualitative research took the form of semi-structured interviews with three groups of people to analyze barriers to Latino participation and methods for increasing Latino participation in community mediation centers. I conducted semi-structured interviews with staff from community mediation centers around the state of Oregon, bilingual mediators and Latino stakeholders. For each group of people I identified overarching research themes beforehand that influenced the questions and the direction of each interview. Using the combination of scholarly articles, hands-on organizational project reports, and my original research I was able to solidify my findings through a variety of different sources. The specific strategy for the interviewing process was gleaned from Weiss (1994) in his book *Learning from Strangers: The Art and Method of Qualitative Interview Studies*.

Qualitative Research: Semi-Structured Interviewing

Semi-structured interviews were my primary source of data. The Institutional Review Board at the University of Oregon approved of my research strategy. Semi-structured interviews allowed for rapport building that enhanced insights provided throughout the interview, especially towards the end. Additionally the semi-structured interviews allowed for the interviewees to also discuss topics not necessarily addressed strictly in the scripted questions. I conducted 18 interviews in total with four Latino stakeholders, eight bilingual mediators and six representatives from community mediation centers (see Table 1). Within each group of interviewees – I aimed to get a "representational sample" of "people who together can adequately represent the

experiences of a larger group" (Weiss, 1994, p. 21). This strategy motivated me to

contact people within three different groups; each group represented a larger group of

people that would inform the research topic in unique ways. Given the small community

of mediation providers in the state of Oregon, I do not identify any of my interviewees by

company or personal name. The purpose of this thesis is not to disparage nor praise any

mediators or community mediation centers for their practices. To protect the anonymity

of the interviewees this thesis does not label or categorize any interviewee beyond

defining the group (community mediation center, mediator or Latino stakeholder) the

interviewee is categorized within. In the following chapters the interviewees are referred

to as: mediator, stakeholder, or center representative. At certain points other identification

is given when relevant (i.e. identifying a particular interviewee as a bicultural and

bilingual mediator). After analyzing and writing the data sections of this thesis, specific

sections that might be able give away the identity of the interviewee were shared with the

interviewee for final approval. The following sections discuss the overarching research

objectives, subject identification processes, and specific issues that arose with each of the

three groups of interviewees. The specific interview questions asked to each group of

interviewees are included in Appendix A.

Table 1: Summary of Participants

Group	Total Number	Gender Breakdown	Bicultural Breakdown	Spanish-Speaking Breakdown
Stakeholders	4 Interviewees	3 Female, 1 Male	4 Bicultural	4 Spanish-Speaking
Mediators	8 Interviewees	6 Female, 2 Male	2 Bicultural	7 Spanish-Speaking
Center Representatives	6 Interviewees	5 Female, 1 Male	0 Bicultural	2 Spanish-Speaking

Latino Stakeholders: I identified Latino stakeholders through utilizing my personal and professional networks. Latino stakeholders can be defined as Latinos who are active members of the Latino community and work professionally within the community as well. There were several qualifiers I used when selecting the potential interviewees. The qualifiers included: working professionally in Oregon, an advanced education degree, balance of male and female, balance of first and second generation Latinos, working with Latinos (primarily first generation) in Oregon. These qualifiers guaranteed that the interviewees would have insights regarding working with Latinos and outreach to this population. Additionally, all of the interviewees had at least a basic understanding of mediation and conflict resolution. The objectives of interviewing Latino stakeholders were:

- To understand aspects of internal conflict resolution practices within the Latino population within Oregon.

- To establish if and how the use of third parties through impartial mediation/conflict resolution processes would be beneficial to the community.

- To determine if any process adaptations could be recommended.

- To explore important characteristics for outreach and community building with the Latino community.

It proved difficult to locate an even balance of gender and second and first generation for the interviewees. Although it was possible to get representation from both of these dimensions, it proved easier to locate females and second-generation Latino immigrants. Second generation interviewees tended to respond to my initial contact at a higher rate than first generation immigrants. Additionally, people tended to refer or connect me with

more female than male potential interviewees. Three of the interviewees were female and one was male. Only one of the interviewees identified as a first generation Latino immigrant. All interviewees identified as bicultural. All of the interviewees had a college degree or advanced degree. The majority of the interviewees described their profession as involving "Latino outreach." All of the interviewees identified their current job position within the nonprofit or public sectors.

Community Mediation Centers' Staff: Staff from community mediation centers were identified through utilizing resources from the Oregon Office of Community Dispute Resolution. One of the main qualifiers for these interviewees was to interview centers that participated in the Hispanic/Latino Community Dispute Resolution Project as well as centers that did not participate in the project. Other qualifiers were to interview centers known and unknown for their work with the Latino community as well as centers that are located in counties with varying percentages of Latinos. Beyond interviewing representatives from these centers, typically executive directors or mediation program coordinators, I was interested in gathering any internal resources from the center that have to do with cultural competency and Latino inclusion. Internal documents/reports, training materials, and outreach materials gathered from this research are presented with the other findings in Chapters IV-VI.

The overarching objectives for interviewing the staff from the community mediation centers around Oregon were:

- To learn if and how community mediation centers adapt for their Latino clients, and if they think adaptation is necessary.
- To learn how they interpret their own successes and failures within this area.

- To understand the challenges of cross-cultural mediation from their perspective.

- To comprehend the impact of the Hispanic/Latino Community Dispute Resolution Project.

I interviewed six representatives from five different community mediation centers across Oregon. The majority of the centers I contacted were located within the Portland Metropolitan area, with one center located in the Columbia Gorge/Central Oregon region. There are 17 centers located across the state of Oregon with staff sizes generally fairly small from 1-4 employees. One of the largest community mediation centers in Oregon has a staff of twelve people. I could not locate any official statistics about the ethnicity of staff from community mediation centers across Oregon. The main issue that arose from these interviews was difficulty with travel and scheduling to conduct the interviews face-to-face. Most of the interviews involved two or more hours of travel by car. I was able to conduct every interview in person with the exception of one, which was conducted by telephone. Five of the interviewees were female and one was male. Two of the interviewees identified as Spanish-speaking and none of them identified themselves as bicultural.

Bilingual Mediators: I identified bilingual mediators through utilizing my personal and professional networks. There were several qualifiers I used when targeting interviewees from this group: gender balance, non-Latino and Latino mediators, and geographic location. One last qualifier was to achieve a balance of both professional and nonprofessional mediators, but with all of the mediators having direct experience in community mediation settings.

The main objectives of interviewing bilingual mediators and mediators with experience utilizing interpreters were:

- To learn if and how community mediation centers adapt for their Latino clients – from the volunteer mediator's perspective.

- To learn how mediators determine their own success or failures in this area.

- To understand the challenges of cross-cultural mediation from the perspective of the mediator.

Similarly to the Latino stakeholders, it was incredibly difficult to locate an even balance of male and female mediators. The majority of the mediators were female and I interviewed only two male mediators. Additionally, another major challenge was identifying Latino mediators who wished to be interviewed. Two mediators identified as bicultural. Most of them identified as bilingual in Spanish and English. A couple of the interviewees self identified as having a medium to advanced level of Spanish proficiency but have experience with interpreters. The majority of the interviewees were located in the Portland metro area or Eugene with only one exception. This led to the same travel complications to conduct the interviews face-to-face. Three of the eight interviews were conducted via the telephone. Four of the interviewees were currently employed as professional mediators and two of those interviewees have significant experience with community mediation. Two interviewees currently work at a community mediation center and also identify as mediators with experience in bilingual mediation. One identified as a previously professional bilingual mediator and the other interviewee identified as a volunteer mediator.

Interviewer and Interviewee Dynamics

Overall the majority of the interviewees seemed eager and excited to speak to me about this topic. The majority of the interviewees expressed a desire to expand conflict resolution services to the Latino communities. I introduced myself as a master's candidate in Conflict and Dispute Resolution from the University of Oregon and that I was conducting my thesis research on community mediation and the Latino community. Given the fact that I identified as a student of conflict resolution, I was perceived as a member of the mediation community – especially with those that I had previously interacted with at the Oregon Mediation Association's fall conference in Portland. As a white woman, I was perceived as sympathetic to the issues and constraints faced by the community mediation centers as well as by the Latino community. To some degree, especially with the Latino stakeholders, my position as a white woman could have impacted their responses.

Data Analysis

I audio recorded and took notes during every interview. Each individual thought mentioned from an interviewee was noted during the process and important parts of the interview were marked on the note sheet. After each interview the notes were typed up along with my personal observations, which I noted during the interviewee as well. Data categorization began during the interview process with the marking of themes in the typed notes as categories emerged. Once all of the interviews were completed, the notes were printed out. I coded the data using a strategy of brainstorming categories using an "issue-focused analysis" (Weiss, 1994). Then there was a thorough analysis of all the interviews with each thought from each interviewee marked as included within one of the

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themes or as "other." The exact method utilized in this process was by using different color highlighters to indicate each category. The thoughts marked "other" were then examined and categories reconsidered. After this first data analysis was completed the categories were solidified and another analysis was conducted to verify all categories. The printed materials were also sorted and categorized in reference to the final themes to see if any additional thematic information could be discerned from those materials. Finally, information derived from scholarly literature, articles by practitioners, and organizational research project reports were examined and key findings or themes from this literature was placed within the existing categories for enrichment.

CHAPTER IV

BARRIERS TO MEDIATION FOR LATINOS

Introduction

This chapter provides an analysis of two main categories of barriers to
participation in community mediation for Latinos based upon empirical data gathered
through interviews with staff from community mediation centers around Oregon and
mediators with experience with bilingual mediation. Two main barriers will be discussed
within this chapter – perceived structural barriers from the Latino participant standpoint,
which can also been seen as capacity issues from the standpoint of a community
mediation center; and perceived lack of trust on the part of the Latino community. The
Latino stakeholders frequently cited the importance of trust. Additionally, mediators and
staff from community mediation centers emphasized the need to have a trusted and safe
space for mediation. Issues of language, ethnicity, and physical location will be discussed
within the discussion of lack of trust. All of the staff from community mediation centers
at the very least stated that they could be doing a better job of serving the Latino
population. Additionally, the staff and several of the mediators interviewed cited various
structural barriers or capacity issues impairing service to the Latino community. The
discussion of structural barriers highlights different capacity issues for nonprofit
community mediation centers and the centers connected with city governments. The main
structural barriers derive from financial limitations, knowledge based limitations, and
lack of community connections. The issues of geographic location, physical appearance
of the building, and possible assumptions of community mediation centers by those
unfamiliar with them will be framed in both discussions of lack of trust and structural

barriers. This chapter focuses primarily on structural barriers that limit initial contact of

Latinos with community mediation centers. This discussion will illustrate potential

barriers for Latinos entering or contacting a community mediation center without

addressing potential issues arising from the mediation process. Potential process

adaptations are discussed in Chapter VI.

Importance of Trust and Presumed Lack of Trust

Almost every interviewee used the word "trust" when discussing Latinos and

community mediation. Overall, there were two trends involved with topic: the importance

of trust when working with Latinos and the presumed lack of trust by Latinos. The

stakeholders provided a wealth of knowledge about the importance of trust in traditional

conflict resolution processes. Representatives and mediators described a sense of

presumed lack of trust by Latinos in reference to three different areas: physical location

of centers, language, and lack of understanding of mediation. Overall, the cultivation of

trust is an important component when examining barriers to participation because if a

potential participant does not trust the organization they will opt out of engagement in

services.

The stakeholders provided information relating to trust in two different areas: how

they cultivate trust with their clients and the value of trust in traditional conflict

resolution processes. Methods for cultivating trust will be discussed in Chapter VI in

regards to potential process adaptations for mediation with Latino participants. Three of

the four interviewees mentioned that traditionally Latinos seek advice or assistance with a

conflict from someone trusted in the community. The types of people mentioned were:

"community elder," "family member," and "someone in the community that they trust,

admire for some reason." Two of the stakeholders also identified Latinos seeking

assistance from "established community agencies" that work with Latinos. One of these

interviewees mentioned that clients come to the agencies that serve the Latino population

seeking a "neutral opinion" or someone "to advocate" for them. The reliance on both

respected community members and agencies is reflective of the characteristics of

collectivistic communities that place more value on group identity. Additionally, one

interviewee asserted that within the Latino community there is more of a focus on

"community first" comprised of friends and family and second the individual's needs and

interests are addressed. One mediator also mentioned that Latinos might have a

preference towards having a respected person serve as a mediator. Conversely one

mediator asserted that Latinos "trust me more because I'm not Latino" and that they are

"more comfortable because I'm not in the community and won't see me around." A

stakeholder interviewee asserted that typically conversations about a conflict revolve

around food or meals and people use small talk first as a method of creating the space to

then discuss the problem. This further illustrates the emphasis placed upon restoring

harmony and relationships that is described as being more collectivistic and relying on

high-context communication. One stakeholder illustrated another example of high-

context communication when describing that most Latinos do not use the word conflict

and often will say they have a stomach ache instead of referring depression or anxiety

when talking with a mental health professional. While it is always important to remember

that these traits exist within spectrums and not all Latinos will identify with these traits,

these spectrums can assist in conceptualizing different value patterns that impact conflict

resolution processes. Indeed, another mediator highlighted the need to learn about the

pockets of distinct Latino communities around Oregon – for instance there is a large Latino community from Oaxaca in Woodburn, Oregon.

The interviews with representatives and mediators highlighted perceived issues of distrust by the Latino population. A lot of issues that were brought up by the interviewees focused on unproven assumptions, thus highlighting the assumed or perceived lack of trust rather than proven distrust. Five interviewees mentioned that they perceived distrust by Latinos due geographical location or the appearance of the buildings where the centers are located. Three interviewees representing two different community mediation centers, which both are associated with city governments, mentioned a presumed lack of trust due to the fact that the centers are located in official city government buildings. Two mediators also discussed an assumption of fear in regards to two different community mediation centers. One mediator specifically mentioned a city government-connected community mediation center that is located in the City Hall building where the police station is also located. This interviewee wondered if the "institutional presence" influences some Latinos to opt out of engaging with the service by not answering or returning telephone calls. Another mediator referenced a nonprofit community mediation center that was located in a building that looked like a government building as a potential safety concern for some Latinos. This interviewee mentioned that the presentation of mediation "needs to be welcoming [and] familiar." The geographic location could prove to be a structural barrier for Latinos who distrust or fear government.

Lack of understanding of the process is another reason given by many mediators and representatives for a presumed lack of trust by the Latino community. One mediator also discussed an experience with a community mediation center in Latin America where

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people would come into the center and wait until they could see a specific mediator

whom they trusted even though other people were available to help them. This example

further illustrates the necessity of trust for Latinos even when they are familiar with the

process. Several mediators discussed methods for ensuring Latinos feel comfortable and

familiar with the mediation process (discussed in Chapter VI) regarding possible process

adaptations. One interviewee mentioned that Latinos distrust the process, mediators, and

each other. A representative asserts that in almost every mediation involving at least one

Latino participant, the Latino participant(s) mentions that "oppression is in operation" at

some point during the process, typically in case development before the actual mediation.

This gives voice to the feelings of discrimination, racism, and/or racial profiling. Another

mediator mentioned that conflict resolution in the United States focuses on normalizing

conflict, which is not a universal view held by other cultures. The interviewee used

Latinos as an example stating that typically Latinos do not even use the word conflict and

instead say "problema." Another mediator also mentioned that mediation, as a tool for

conflict resolution, does not often "translate" for Latinos. This lack of understanding of

the mediation process within the United States was also highlighted in the stakeholder

interviews – all of these interviewees stated that they had never heard of a Latino using

mediation. There are ways to familiarize people with the process beforehand, one

representative mentioned that they typically do a lot of "phone work" with Latino clients

before mediation actually takes place. Overall, it seems to be a commonly held belief that

Latinos are not familiar with the formalized process of mediation and that this

unfamiliarity correlates with distrust.

Language is a complex issue that could be the subject for an entire study. One failing of my interviews was the lack of direct questions relating to interpretation versus the use of bilingual mediators; however, the issue of language is still something that needs to be examined. Most representatives cited that the majority of their mediation cases involving at least one Latino participant are typically bilingual, both English and Spanish were spoken or were necessary to complete the process, rather than being resolved in Spanish only. Two mediators who frequently have monolingual Spanish language cases assert that in monolingual cases everything is conducted in Spanish rather than using English as part of the process. Bilingual cases tend to raise more complex issues. One mediator mentioned that in bilingual cases there is a discussion about language and participants make the decision based on "what they feel most comfortable with." Additionally this mediator usually does any interpretation necessary without a formal interpreter. Two other mediators both mentioned a preference towards using interpreters. Another mediator asserts that being bilingual is a tool to connect with the parties and that typically there is an interpreter, but the mediator also speaks to participants in their local language. Within the interviews with representatives, interpretation was typically mentioned in reference to whether or not the center had a budget for interpretation services. Overall, language is a complex topic especially for bilingual cases. Language can build trust between participants and a mediator or create distrust. Spanish language is also needed for participants to opt into services – for example if there is no Spanish language voice message or receptionist who speaks Spanish than a potential participant might simply opt out of the service. Browner (2011) describes the various styles of interpretation and impacts of the use of informal and

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untrained interpreters in a healthcare setting in California. Browner asserts that informal interpreters do have an influence in decision-making within that context. This article speaks to the added complexities of interpretation within mediation where communication plays such a key role in a process that also involves decision-making. Overall, the emphasis placed on issues of language within most of the interviews highlights the idea that Spanish language services are needed in order to build trust.

Structural Barriers and Capacity Issues

Although capacity issues, like financial limitations, may seem like an obvious obstacle for any nonprofit or public sector organization given the current economy, it is necessary to examine the different types of capacity issues that exist. These capacity issues for community mediation centers can also create structural barriers that will limit the likelihood of a Latino utilizing available services. An examination of these capacity barriers can lead to a worthwhile discussion and examination of creative methods to eliminate these barriers without necessarily focusing on simply increasing funding. Capacity issues were mentioned by all of the community mediation centers interviewed, with a specific focus on either financial, staff, or knowledge-based limitations. Additionally, all of the mediators as well as the representatives acknowledged in some way centers could do more to facilitate the inclusion of the Latino community. In order to understand methods for increasing participation one must develop a thorough baseline regarding capacity.

A lot of these findings overlap in various ways. A strong overlap exists between the physical location concerns mentioned in the presumed lack of trust section and issues of structural barriers and lack of capacity. Mediators and certain representatives fear that

Latinos opt out of utilizing their services because the location or appearance of the building, this also represents a structural barrier for Latinos because it might stop someone from accessing services. Additionally, the location also represents capacity issues on the part of the center. It is difficult to relocate for many organizations; however, the connection of city government with community mediation centers might provide added difficulties for relocation. It becomes a physical capacity issue if the community mediation center does not have the control or the financial ability to change locations, which results in a significant barrier to reaching desired target communities.

Financial capacity proved to be an issue in different ways for both nonprofit and city-connected mediation centers. Three of the five mediation centers interviewed indicated that they were connected in some way to a city or regional government. The other mediation centers identified themselves as nonprofit organizations. Financial limitations were identified as a crucial element for one of the nonprofit mediation centers, who stated "financial limitations across the board prohibit a lot – it's stopped us from moving forward to even understand other limitations" in regards to working towards Latino inclusion. A mediator mentioned that the local community mediation center focuses a lot of time and energy on financial issues and not on issues related to cultural inclusion.

Centers associated with city government also faced financial limitations that create structural barriers for Latinos. One representative cited no budget for outreach as a limitation and thus the center does not target the Latino population within the service region. This representative stated the center "needs to do a good job of getting the message about our services and process out [to the Latino community]." Additionally, the

same person admitted the center seems to have the attitude that it "expect[s] them [Latinos] to come to us." Another representative associated with a city government expressed a similar sentiment regarding financial limitations when admitting that there is no outreach or marketing strategies for the Latino population. In fact, two of the three community mediation centers associated with city governments cited a lack of outreach to the Latino population based on financial or staff capacity issues.

Issues relating to staff capacity also create structural barriers for Latinos. Only one center identified employing a bilingual and bicultural staff person; however, this person is not directly connected with the community mediation program within the overarching organization. Three of the centers identified having a bilingual staff member with English/Spanish language capacities. Two mediation centers identified having no staff, volunteers, or board members that were bilingual or bicultural they also reported having the most difficulty with conducting outreach to the Latino population. These two centers also seemed to have the least number of Latinos utilizing their services.

Another structural barrier arises from knowledge-based limitations due to a lack of connections in the Latino community. Certain knowledge-based limitations appear to be interconnected with staff capacity. One center recognized that there is no information available online in Spanish, in part because there is no staff capacity to follow through if someone contacted the center needing to use Spanish. Another representative stated that their main goal is "to clarify [our] ability to serve the [Latino] population" because they currently do not have the capacity to hire any new staff. A different center with only one staff person mentioned that at one point the center had connections within the Latino community, but currently the center does not have the same contacts. This center was part

of the Latino Dispute Resolution Project and thus had funding at one point, which
provided the resources to cultivate connections within the community.

Partnering with Latino organizations provides essential knowledge to assist
centers in providing services to the population as well as providing information to the
Latino community about mediation. Additionally, these connections also help centers
locate volunteers who are willing to be trained and serve as mediators for the agency.
One representative said they are currently not actively reaching out to other agencies
simply because they cannot follow through; however, this center also stated that they
have a hard time recruiting bilingual mediators. Another representative cited difficulty
with maintaining bilingual/bicultural volunteer mediators. At one point they had one
Latino mediator, but the volunteer only wanted to mediate cases involving other Latinos
and there were not enough cases to retain that volunteer's interest. Three representatives
noted the fact that it is hard to maintain and/or recruit Latino volunteer mediators. Four
mediators mentioned that community mediation centers should do a better job
outreaching to the Latino population and two mediators mentioned that centers should
place more energy on recruiting bilingual/bicultural volunteer mediators. Additionally
two mediators mentioned centers should improve the quality of interpretation for
bilingual mediations. Overall, when asked about the greatest limitations to effectively
serving the Latino population two centers identified financial capacity/support issues, one
center mentioned "not having a bicultural and bilingual staff person," and two mentioned
lacking connections with the community. One center mentioned the lack of
understanding of mediation by the Latino population, which suggests a "blame the
victim" statement that fails to acknowledge all the structural barriers that exist from the

community mediation center standpoint through lack of time, money and resources. Although there is little evidence to suggest there is an overarching "blame the victim" mentality in the community mediation center community in Oregon, it does suggest that different representatives are places along Bennett's six stages of intercultural sensitivity development (Conflict Resolution Services, 2013). "Blame the victim" statements, such as the previous example, suggest some representatives from community mediation centers fall within the first three stages of denial, defense or minimization.[11] Other responses that highlight the need to go out into the community or hire bicultural and bilingual staff represent further movement along the spectrum towards the latter three stages of acceptance, adaptation and integration. The responses from both the community mediation centers and bilingual mediators reflect various capacity issues that create structural barriers that prohibit Latinos from accessing mediation services from community mediation centers.

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[11] These stages are described in depth on pages 11-12.

CHAPTER V

REMOVING BARRIERS THROUGH TRAINING AND COMMUNITY BUILDING

Introduction

This chapter outlines two potential methods to remove barriers to active

participation of Latinos in community mediation. The information in this chapter was

gathered primarily from bilingual mediators and representatives from community

mediation centers.[12] Training and community building were the two main themes that

emerged throughout the majority of the interviews. Issues related to training can be

broken down into two different areas: training for current mediators and training new

bicultural/bilingual mediators. Similarly two different issues arose relating to community

building: outreach and marketing efforts to the Latino community and relationship

building with members of the Latino community. An interesting trend emerged relating

to both of these concepts, the community mediation centers that either participated in

Oregon Latino Community Dispute Resolution Project or did work associated with the

project after the grant ended tend to have more ideas and capacity for engaging in the

Latino community than other centers. There is one exception to this finding – centers that

have financial or staffing capacity issues face additional challenges regardless of

participation in the project. Certain community mediation centers demonstrate innovative

methods around engaging the Latino community as illustrated throughout this chapter

with regards to training and community building. Community mediation centers with a

more progressive approach tend to have innovative ideas relating to training

bicultural/bilingual Latino mediators and have a focus towards relationship building as

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[12] Stakeholders provided information regarding potential mediation process adjustments, which is discussed in the proceeding chapter.

opposed to outreach or marketing. The focus of this chapter is to explore these two methods to reduce barriers to participation; the goal is not to disparage or assess community mediation centers' effectiveness or capacity in this area. It is important to acknowledge the beneficial impact of the Oregon Latino Community Dispute Resolution Project on certain community mediation centers. Community mediation centers as well as other service-based agencies can learn a lot from each other in regards to expanding thinking and practice in this area.

Training

Training was a topic that came up in every interview with representatives and it frequently arose in interviews with bilingual mediators. The concept of increasing training for the Latino population addresses two principles guiding community mediation – that mediators are representative of the community and through training volunteer mediators the cost of mediation is kept relatively low. Since training is a crucial aspect of any community mediation program, it can also be used as a tool to reduce barriers to participation for minority communities. Training and community building are interconnected topics, especially in issues of recruiting bilingual, bicultural mediators. Training is summarized into three main topics within this section – training existing mediators in issues of cultural competency, recruiting bilingual and bicultural mediators, and expanding the concept of mediation programming for Latino communities.

Only one representative mentioned expanding the current training offered to mediators or offering continuing education trainings with a focus on cross-cultural dynamics or cultural competency. This interviewee identified cultural competency training for current mediators as one of the biggest needs. The interviewee expanded by

stating that generalizations are hard to avoid in cultural competency training, but there is a way to engage them to have a balanced approach to mediation. Cultural competency training could also challenge the "basic assumption" about the mediation process that it is a functional model. The interviewee advocated that the mediation process could be adapted for different communities. Overall, the information presented by this interview illustrates a blended cultural competency training that focuses on emic and etic approaches. Even though only one representative explicitly expressed a desire to improve the skills of current mediators, all of the representatives did highlight specific challenges that arise in cross-cultural mediation. One representative illustrated communication challenges that emerge during cross-cultural mediation by providing the example of downcast eyes. While some cultures interpret downcast eyes as a symbol of respect, other cultures view it as disinterest or disrespect. This dynamic could easily arise between the participants in mediation or between the participants and the mediator. The acknowledgement of complexities suggests that perhaps cross-cultural dynamics and cultural competency training could help prepare mediators to work with diverse populations. Two mediators expressed the need for staff at community mediation centers to have cultural competency training. One mediator explicitly asserted that staff and volunteer mediators should receive training. Another mediator described frustrations that arise when participants come into the office and the front desk staff assumes the participants need English language forms when Spanish language forms would have been more appropriate. The mediator stated that in that instance she or he had to smooth frustrations felt by the participants. This example illustrates the need for cultural competency to avoid potential mediation participants feeling alienated or frustrated from

the very beginning of the process. Additionally, all eight mediators mentioned having

cultural competency training in some context. This highlights the importance that

volunteer mediators receive cultural competency in some manner. In summary, only two

interviewees explicitly asserted the desire for cultural competency training for existing

mediators; however, several other interviewees highlighted rationale for why training

might be beneficial.

One of the main responses from representatives regarding this issue was the desire

to increase the number of Latino volunteer mediators. Three of the representatives

expressed a desire to train bilingual, and ideally bicultural, Latino mediators. The three

representatives who expressed this desire also tended to be associated with the centers

that had large financial and staffing capacity limitations. When asked about their current

goals, both short-term and long-term, regarding inclusion of the Latino population, one

representative expressed a desire to have four fully trained Latino mediators who have

the time to commit. In response to the same question another representative asserted a

desired to have fully trained bilingual English/Russian and English/Spanish mediators

who "have time to make connections in the community." Both of these interviewees

expressed a desire to recruit Latino mediators who have the time to commit to volunteer

and, in the case of one interviewee, build relationships in the community. Another

representative mentioned that the community mediation center could more effectively

manage volunteers who are bilingual and bicultural as typically these volunteers want to

be primarily involved with cases with Latino participants. It can be a challenge to

maintain these volunteers if there are not a lot of cases involving Latinos coming into the

center. One mediator explained that people who do not identify as mediators are already

doing this work in the community – in human relations offices, health clinics, schools, and attorney's offices – these people could be trained to gain further skills to become more effective in their work with the Latino community. Expanding the mediation services to the Latino community through increasing and effectively utilizing bicultural and bilingual Latino mediators is one method to increase participation. This method reflects a prescriptive approach to conflict resolution that focuses on incorporating others into the current model. This also illustrates the minimization stage on Bennet's stages of intercultural sensitivity as the centers acknowledge other cultures, but assume that the same conflict resolution techniques can be applied across cultures (Conflict Resolution Services, 2013). One representative acknowledged that the community mediation center needs a bicultural and bilingual Latino trainer "who understands the needs in the community" and is "able to assess what services would be most appropriate for them." This sentiment illustrates movement across the prescriptive/elicitive spectrum towards a more elicitive method of conflict resolution (Lederach, 1995). Training more bicultural and bilingual Latino mediators is a possible first step towards removing barriers for Latinos in community mediation.

Three other interviewees representing two different community mediation centers had different ideas for training Latino mediators that represent elicitive approaches. These ideas tended towards creating an entirely new program aimed at providing mediation services to the Latino community, but in a different manner than the typical style. These two mediation centers either participated in the Oregon Latino Community Dispute Resolution Project or used the findings of the project to advance their understanding of the needs of Latinos within their own community. One community

mediation center described an idea where Latinos would be recruited and would participate in the basic mediation training. There would be a focus on training leaders and respected people in the Latino community. The main difference lies in the idea that these Latino mediators would use their skills in their own communities without coming into the office to do the formalized process of intakes and case development. Mediation would not happen within the office, but the trained Latino community members could incorporate mediation skills informally, or more formally, into their work. Quality control would be addressed through semi-annual trainings and evaluations or surveys about their experiences. Although this was merely an idea and not a program currently in creation or implementation, it represents a different way of thinking about training and engaging the Latino population with community mediation. Another representative also explained a program idea that is directed specifically at Latinos. The center is currently engaged in the information gathering and design stage for this program. It is based upon a community health workers program that is currently used by a local hospital. This program focuses on the idea of bringing conflict resolution practices into the Latino community and away from the formalized processes. The representative categorized this program as being more relationship based instead of based on the commonly held mediation values of neutrality and anonymity. This program heavily relies upon community connections and "buy-in" already established, which this center has created over time. Additionally this center has developed a specific Spanish-language 10-hour conflict resolution training that covers broader topics than the basic mediation training. The training is free for those who register and includes food and childcare. It is also spread out over the span of several weeks and the classes only last for two and half hours

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on Saturday mornings. This is much different than the basic mediation training, which is typically at least 32 hours and takes place over two full weekends back-to-back. The topics are different for each of the four sessions and include: compassionate listening, communication skills, resolving conflicts, and intercultural dynamics. The representative said that hopefully this training would become an aspect of the conflict resolution program the center is developing for Latinos. These two specific examples demonstrate advanced thinking and planning around methods to reach out to the Latino community in ways that are consistent with knowledge relating to conflict resolution processes within this community. Additionally, these examples represent an advanced level of intercultural sensitivity that might fall within the adaptation or integration stages of Bennet's model as these ideas acknowledge that there is no right or wrong answer in terms of strategies for conflict resolution or community mediation (Conflict Resolution Services, 2013).

Community Building

Creating lasting relationships with prominent and respected members of the Latino community is an important method for decreasing barriers to participation. The information gathered through the interviews highlighted the same pattern that emerged with issues surrounding training: the community mediation centers that either participated in the Oregon Latino Community Dispute Resolution Project or did work associated with the project after the grant ended tended to have more ideas and capacity for engaging in the Latino community than centers that did not participate. Within issues surrounding community building mediation centers with less capacity focused on ideas of outreach at community events and translation of promotional materials. Community mediation centers with an increased level of capacity focused on relationship building with key

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community members. Some of this thinking also is reflected within the elicitive approach to mediation programming for Latinos described in the previous section. The direct connection between training and community building will be discussed in reference to the programmatic ideas described in the previous section. This section also discusses resources, mainly internal documents, which were gathered during the interview process as well as information from the interviews with the mediators.

The community mediation centers with less financial capacity reported a lower amount of outreach to the Latino community and fewer connections with the Latino community. When asked if the center collaborates with any other organizations in their work with diverse communities, especially the Latino community, these representatives typically reported that they did not have any partnerships. One representative stated that the center does not actively outreach or partner with other organizations because the center "can't follow through [with Latino clients]." This representative also reported that the community mediation center does not have any Spanish language material on their website. Another representative also reported that the community mediation center does not target the Latino population because "we lack staff capacity." This highlights structural barriers that were elaborated within the previous chapter. In response to the previous question, this representative disclosed participation in a local government collaborative group that does discuss issues of outreach and cultural competency with minority populations; however, the center did not partner with any organizations that specifically work with the Latino population. Similarly a community mediation center that did participate in the Oregon Latino Community Dispute Resolution Project mentioned that at one point the center engaged specific outreach with a local Latino

organization; however, the representative reported it currently does not have the same connections. This representative asserted that the outreach to the Latino community was not successful. Additionally when asked about limitations to successful service for the Latino population, this representative stated that the center does not "have human relationship connections." This quote illustrates that relationships are a key aspect of outreach to the Latino community.

The same three interviewees representing two other mediation centers that had two programmatic ideas for training members of the Latino community also reported having more successful community building with the Latino population. The center that did participate in the Oregon Latino Community Dispute Resolution Project has continued to dedicate financial resources and time towards maintaining and expanding relationships with the Latino community. The representative reported doing a lot of specific outreach to the Latino community, including: canvassing at food banks, participating in meetings for resource providers for Latinos in the community, attending cooking classes, meeting with housing corporations, as well as designing print materials specifically for the Latino community. At a lesser level the center also has attempted to do specific Spanish-language outreach to the Latino community through radio, television, and newspapers. These activities demonstrate a strong commitment to going out into the Latino community to build relationships. When asked about partnering with other organizations, this representative responded by discussing a lot of different types of connections and partnerships with various agencies that work with the Latino community. This representative also mentioned partnering with a Latino nonprofit and spending time at their office in order to build connections with the community.

The other community mediation center represented an advanced level of thinking around outreach and community building with the Latino population. This information comes from an interview with two staff members as well as internal documents relating to this topic. Currently, one staff person is participating in community conversations to inform the Latino population about the services offered by the center. Additionally, this center plans to utilize the new position funded by a local city that focuses on cultural inclusion efforts. Currently, this center is committed to expanding outreach and community building with the Latino population. In the past this community mediation center made a strong effort towards understanding the best approach to outreach with the Latino community. The outcome of this effort was a Latino outreach plan that was disclosed during the interview. The information presented in this plan is also particularly relevant.[13]

The Latino outreach plan discusses the details of outreach including: who, what, when, and where. It also highlights issues of: capacity building with current volunteers, bilingual volunteer recruitment, capacity building of bilingual volunteers, marketing, evaluation of services needed, ideas on providing services, potential points of failure and solutions with mediation model, use of interpreters, and a description of an overall recommended approach. The discussion of the "who should be involved" in outreach illustrated the importance of relationship building with respected community members:

> …developing project partnerships with local churches, social workers,
> and other key leaders in the Latino community will be essential in
> effective outreach to the Latino community. This does not mean that
> … staff shouldn't do the actual presentations, etc. But it is essential to

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[13] The Latin outreach plan is not publically available, but I have received permission to include it in the Appendix section of the thesis. The entire document is included in Appendix B.

have the backing of the local priest (or whoever is the trusted person)
and be introduced to the community by someone they trust.

The report also asserted that the overall message to the Latino community should be

relationship oriented and should be "approach[ed] [in] collaboration with community

service providers as 'project partnerships.'" The report also highlighted offering a

"training on working with Latino clients, interpreters, etc." to build capacity with current

volunteers. It also asserted that recruitment of bilingual and bicultural Latino mediators is

difficult and "to be very specific regarding the identification of potential mediators." The

first step suggested in the recommended approach section is to gather a focus group of

key Latino community members to find out four points of information:

- Find out what they know about mediation

- Find out more information about the Latino community in [the city]

- See if they are interested in becoming potential partners, referring people, etc.

- See if they want to become mediators themselves

This suggested approach illustrates an emphasis on building relationships in the Latino

community and partnering with trusted organizations in the area. There are different

levels of consideration and thought concerning outreach to the Latino community. The

community mediation centers with more capacity and information regarding the Latino

community tend towards focusing on relationship building over time.

Connection Between Training and Community Building

Training and community building are interconnected methods for reducing

barriers to active participation for the Latino community. The connection exists in the

idea that community mediation centers wish to recruit and train bicultural and bilingual

mediators. The training section highlighted different thoughts around how to train and utilize Latino mediators; however, to recruit Latinos to become involved, in any capacity, with the organization requires some level of outreach to the community. Simultaneously an effort to build relationships with the Latino community also reduces barriers of distrust or lack of understanding of mediation as members of the Latino community begin to notice and interact with representatives from the organization. The importance of relationship building further demonstrates the collectivistic nature of the Latino community. By focusing on relationships and listening to members of the Latino community, this will further emphasize an elicitive approach that engages culture and the community's desires as the seedbed of the conflict resolution process. Additionally, this data also emphasizes the importance of *familismo* that was mentioned with cultural competency in social work. By widening the scope of outreach and training to focus more on connections to the community instead of simply informing "others" about the services available, there is an emphasis placed on building trust and understanding so Latinos might be less reluctant to seek assistance from people outside of the community. This could possibly lead to members of the Latino community considering the community mediation center to be part of the community. While making an effort to build strong relationships with members of the Latino community is difficult with limited staff or financial capacity, it is not an impossible task. Investing time and energy upfront in outreach and relationship building with the Latino community, or other diverse populations, could mean dividends in the long run that may not always require extra funding. After time and energy has been placed on removing the initial barriers to

participation, the issue transitions from questions of access to ways to adapt the

mediation process to fit the needs of the Latino participants.

CHAPTER VI

MEDIATION PROCESS AND LATINOS

Introduction

This chapter will describe the community mediation process and possible

adaptations to it for Latinos using Lederach's (1995) five universal facets of third party

intervention in conflict that were used to describe the mediation process in Chapter I.[14]

The previous two chapters dealt with the initial barriers that prevent Latinos from

accessing mediation and strategies for addressing those initial barriers. One interviewee

stated that currently the focus needs to be on access, but the real work would be to adapt

the process. The goal of this chapter is to address process adaptations using a

combination of scholarly literature, organizational reports, and data collected from my

interviews.

This chapter draws heavily from organizational reports regarding Latinos in

mediation as well as scholarly articles to describe issues that arise for Latinos in each of

the five facets. Weller and Martin (1996) wrote an extensive report entitled "Culturally

Responsive Alternative Dispute Resolution for Latinos," which is heavily utilized in this

chapter. Various reports created from the Oregon Latino Community Dispute Resolution

Project are also examined, including the Needs Assessment Summary Report and the

Final Report. This project is fundamental as it specifically addressed the Latino

community in Oregon. Some information in this chapter comes from my own implicit

knowledge of the process from my experience and education in the field. Given the

emphasis placed on confidentiality in mediation, it was difficult for the mediators I

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[14] Toch (2011) and Weller & Martin (1996) also use Lederach's five facets to organize
their conversations surrounding Latinos in mediation

interviewed to disclose specific examples of process adaptations without giving away details of a case. At the end of the discussion of each facet thoughts or recommendations gathered during my original research are included. The main process recommendations derived from my interviews fall within the entry facet. Specific recommendations, from the literature, for a particular facet are mentioned at the end of the discussion of that facet, and overall recommendations will be addressed in the final section of this chapter.

Entry

While neutrality and impartiality are crucial characteristics of a mediator from the formalized process, Latinos may prefer a mediator who is more connected in the community:

> …status may be more important than training or certification. The most suitable mediators might be individuals who are respected in the Latino community, such as local politicians, community organizers, counselors, clergymen, attorneys or respected elders. It might even be desirable for the mediator to be familiar with the family. Grandmothers, aunts, older sisters, cousins, and godmothers might also play a more active role" (Weller & Martin, 1996, p. 60).

Indeed, many other mediation practitioners and conflict resolution scholars assert that Latinos might be more comfortable with a mediator who is connected with the community (Weller, Martin & Lederach, 2001; Bacharach, 2007; Llapur, 2003; Erbes, Chavez & Silverberg, 2004). Irving, Benjamin & San-Pedro (1999) specifically note that "practitioners need to develop a personal relationship with key family members" and that "Latino families may also be slow to warm to a non-Latino mediator" thus requiring more time to commit to the process (p. 332). The rationale for these issues typically arises from the notion that Latinos dislike discussing problems with strangers (Weller & Martin, 1996). Additionally the physical environment is another consideration when

dealing with Latino parties. Mediation may be better suited to occur in a familiar and safe location rather than at the mediation center's office (Irvin, Benjamin & San-Pedro, 1999; Bacharach, 2007; Weller, Martin & Lederach, 2001; Weller & Martin, 1996). A gender match between parties and the mediator(s) helps to ensure that both parties perceive the mediation to be "fair and satisfying" (Charkoudian & Wayne, 2010, p. 47). Additionally, "the effectiveness of the mediation process is harmed… when a mediation participant is isolated in the face of a mediator and opposing participant who share a racial or ethnic group" (Charkoudian & Wayne, 2010, p. 47). The overall recommendation is to create a match, with at least one of the mediators, with the race and ethnicity of the parties (i.e. to have one mediator be Latino if one of the parties identifies as Latino) (Ozawa, 2004).

Information gathered from my research aligns with the recommendations from the literature. One stakeholder specifically mentioned the need to have bilingual, bicultural mediators to build trust with the participants. Additionally, three of the stakeholders and two mediators also mentioned that it would be a good idea for the mediator(s) to talk about themselves and mention commonalities in the opening. This correlates with the concept of *personalismo* found in literature about cultural competency in social services. Two stakeholders mentioned the importance of highlighting the confidential nature of the process because there can be a lot of fear and safety concerns. One stakeholder mentioned that in the opening it would be very important to clearly explain the process. One mediator also asserted that typically he or she plans to take an hour to have a mini-orientation about mediation in the beginning; one representative highlighted the need to do a lot of phone work beforehand as well. One other mediator mentioned placing a greater emphasis on explaining the process as well. Another mediator highlighted the

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need to ensure that everyone is involved who should be involved, as sometimes the larger

family unit might need to be included in the process. Additionally, one stakeholder, one

mediator, and one representative mentioned the need to address basic needs first and

make referrals to other agencies when necessary. Entry is a crucial stage for addressing

concerns, explaining the process and building a trusting relationship between the parties

and the mediator(s).

Gather Perspectives

The mediator(s) typically only gather perspectives of the conflict from the two

parties directly involved in the mediation. Given the collectivist orientation of most

Latinos, it is beneficial to expand the process and "gather communal perspectives as well

as individual perspectives" (Weller & Martin, 1996, p. 18). Additionally, a home visit

might be necessary to gather perspectives from "grandparents, other extended family

members and even godparents" (Weller & Martin, 1996, p. 62). Expanding the

mediation process to include extended family acknowledges the cultural value system

and makes the process more holistic. Weller and Martin also mention the need for the

mediator to pay special attention to issues of confidentiality throughout this process.

Other cultures, including Latinos, might view gathering perspectives as a time to

vent or discuss other things that might appear disconnected from the conflict. Weller,

Martin and Lederach (2001) write about the idea that some cultures tend to vent during

this time and note that in South Korea this stage is done with individual discussions with

each party (p. 190-191). Toch (2011) validates this idea by citing an Argentine mediator[15]

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[15] See Gomez, M. (2005). *Mediacion comunitaria: Bases para implementa un centro municipal de mediacion comunitaria y de resolucion de conflictos*. Espacio Editorial, Buenos Aires.

who suggests that this stage of the process should not be done in the mediation session when both parties are present: "her [Gomez's] reasoning is that the second party to respond will have difficulty asserting his or her point of view without responding to the allegations of the first party" (p. 49). One recommendation is to begin the mediation session with a caucus (or private discussion) with each of the parties, which will allow for each party to vent as well (Weller & Martin, 1996, p. 62). One mediator also discussed this in an interview. This mediator revealed that typically "meeting separately with each party is usually something I do… especially… with Latino clients because they don't want to have an uncontrolled emotional outburst." During this stage it is important to acknowledge different ways of storytelling, another mediator asserted that he or she typically allows more time and space for storytelling that is more circular in nature when mediating with Latino participants. Mediators need to be aware the people might have various ways of sharing and expressing themselves and different preferences for how and when they share their story.

Locating Conflict

A holistic approach to this phase enables the mediator to examine individual as well as collective interests. "The North American model also assumes that the parties can manage the conflict in the mediation session and that the conflict can be solved without reference to a larger group context" (Llapur, 2003, n.p.). Given the notion of the collectivist orientation of most Latino cultures, the mediator needs to establish "where group loyalties lie" given that parties might "look for solutions that promote the group's norms and well-being and resist solutions that cause other members of the group, particularly their superiors, to lose face" (Weller, Martin, & Lederach, 2001, p.191). The

emphasis on collective interests needs to be examined along with individual interests. Irving, Benjamin and San-Pedro (1999) recommend the use of social reframing as a tool that acknowledges larger processes. Social reframing allows the "mediators [to] normalize feelings of guilt and inadequacy, recast feelings of blame and betrayal into shared responsibility, and help establish a climate of mutual understanding and collaboration" (p. 333).

The interviews aligned with the recommendation towards a holistic approach. Five mediators and three representatives mentioned that fear, vulnerability, discrimination, and/or issues of immigration status can arise when working with Latino clients. One mediator specifically mentioned addressing these larger issues that might come into play during mediation by allowing for extra space. The mediator used an example of a restorative justice case where one participant felt racially profiled and the mediator created space for the participant to share his experience and frustration about the experience. In certain instances bigger issues might feel out of the scope of the mediation, but it is crucial to make the space if the participant(s) wants to address them.

Arrange or Negotiate

Latinos are more apt to seek advice and guidance from the mediator and less inclined towards option generation (Weller and Martin, 1996). Weller and Martin (1996) and Weller, Martin and Lederach (2001) both mention that in other cultures the use of intermediaries during this stage is common or the mediator is expected to determine the solution for the parties. It might be more helpful if the mediator takes a more directive approach during this process, considering the large power distance that is common in Latin American cultures that values hierarchical relationships. The majority of the

mediators and representatives highlighted the need to clarify and explain the process –

perhaps to address this issue. One mediator specifically mentioned the chance for

confusion when the participants' expectations are not met because the mediator does not

impose a solution. Additionally, a more holistic process is needed, which acknowledges

that other cultures might view issues as interdependent and intertwined (Toch, 2011; and

Weller & Martin, 2006). Two stakeholders pointed out that mediators need to consider

education levels of the participants throughout the process and especially during this

stage where brainstorming options are often written on flipchart or white board. Overall,

the research suggests the mediator could take a more active role in option generation and

should use a holistic approach to allow the parties to view the issues as interconnected.

Way Out or Agreement

Culture may affect both the role of the mediator and the actual agreement. Latinos

might be interested in having the mediator being involved past the agreement. Weller and

Martin (1996) suggest the continued role of the mediator in both the "compliance with

the agreement" and to help "the parties obtain needed resources" (p. 23). Irving,

Benjamin and Send-Pedro (1999) explain the rationale for this expanded role through a

discussion of commonly held Latino cultural values. One value is that of *personalismo*

that emphasizes personal relationships "over standardized rules, procedures, or

schedules" (p. 328). Additionally a more holistic approach is also needed that emphasizes

an agreement that places value upon relationship building or repairing. One Latino

stakeholder suggested that the mediator should add a personal touch to the closure.

Weller and Martin (1996) describe potential culturally-based desires to restore balance or

harmony after the conflict. In conclusion, agreements should reflect all the desires of the parties and potentially allow for continued involved by the mediator.

Cultural Complexities

Culture and conflict are interconnected, "Conflicts are, in every sense of the word, cultural events. [They] call forth a lifetime of knowledge about what is right and wrong to do, how to proceed, whom to turn to, when, where, and with what expectations" (Lederach, 1991, p. 166). Understanding this connection is crucial to understanding the additional complexities of the Latino label. Many problems arise when applying this label broadly without acknowledging the potential differences. One difference is that Latin America is a diverse region with vastly different cultures, which may share both similarities as well as potentially different ways of handling conflict. Another difference arises from issues of biculturalism and acculturation. Irving, Benjamin and San-Pedro (1999) write, "Latino families distribute on a continuum regarding group identification. Some… identify passionately with their Latino origin. Others repudiate that origin, while most fall somewhere between these extremes" (p. 332). This continuum can then be connected with issues regarding cultural labels,

> The ones who identify easily with Latino origin and values will
> operate more collectively and will give much more importance to
> the relationships. Furthermore, they will probably feel more
> comfortable with a Spanish speaking mediator who is a trusted part
> of his community while the ones who repudiate the Latino origin
> will tend to operate more individualistically (Llapur, 2003, n.p.)

Four mediators identified generational differences as one of the major issues that arise in their work with the Latino community. The amount that one identifies with one culture or another culture has implications for how the mediator will handle the process. One

recommendation for mediators is to gauge culture preference in an intake form or meeting – asking if they prefer a community elder or an unknown third party to mediate and if they prefer to have other people present or not (Ho-Beng, Joo, & Chee-Leong, 2004). Additionally, the parties are not the only people whose culture should be considered. "Acknowledging differences between clients' and mediators' cultures and communicating openness will prove to be productive" (Dominguez, 1999). Similarly Irving, Benjamin and San-Pedro (1999) write, "for us to address the issue of cultural diversity involves a form of meta-mediation in which mediators and clients need to negotiate share understanding. This implies the importance for mediators of becoming aware of their cultural values and biases" (p. 327). Mediators must not only be aware of the complexities of Latino culture and possible adaptations to the process, but also be aware of their own culture and its implications.

Power Dynamics

The entire mediation process needs to be examined for inherent power dynamics. Brigg (2003) focuses on facilitative mediation and the inherent power of Western culture imposed through the process. "Culturally specific conceptualizations of conflict and self" (p. 297) are inherent within the mediation process – for instance the reframing of issues by the mediator positions parties away from emotional, "destructive," or combative behaviors and towards a rational, distanced position. This demonstrates Western ideas of conflict as needing to be separated from the person (and their broader politics and networks) and as opportunities for empowerment. In the broadest sense, Brigg's research sheds light on the need "to develop ways of valuing cultural difference in mediation" (p. 298). Community mediation providers need to be aware of the Western views of selfhood

and conflict embedded in the process. Brigg advocates for increased awareness of the mediator's culture, power issues inherent to mediation – and most of all, awareness and engagement with different cultures. She frames possibilities of expanding and opening the process to become more culturally inclusive through discussing Lederach's work defining the prescriptive versus elicitive approaches to conflict resolution.

Based upon the elicitive approach the literature also points to broad recommendations that apply to the entire process and do not fit necessarily into a certain facet. The use of a cultural guide/interpreter during mediation gives the mediator the ability to check-in with someone else who might have culturally relevant information to share regarding the conflict (Irving, Benjamin, and San-Pedro, 1999). The overall consensus appears to be the diversification of mediators to include bicultural, bilingual members of the Latino community; some of the literature also points towards the recruitment of well-known members of the community (Press, 2011; Engiles, Fromme, LeReshe, & Moses, 2007; Interface Network, 2003; Ozawa, 2004; and Bacharach, 2007). Weller and Martin (1996) and Lederach and Wehr (1991) both discuss the use of a different approach to the concept of mediation. Lederach and Wehr mention the use of "insider-partial" mediators as someone who "must live with the consequences of their work" (p. 87) and who is a trusted member of the community. Weller and Martin suggest the use of an "intermediator" who both assists the parties with the conflict, but also provides other social services to Latinos as well such as an educator, counselor, and guide. It is crucial to examine the process and understand what adaptations can be made to make it more functional for other populations. Overall, there are all types of adjustments that can be made to the process, but first one must consider culture and the

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context of the conflict as well as the particular barriers that might be faced in a specific

region. Flexibility throughout the mediation process is crucial for success with diverse

populations – mediation should not be considered as a one-size-fits-all model.

CHAPTER VII

CONCLUSION AND RECOMMENDATIONS

Community mediation offers the opportunity for increased communication between parties. It allows for people to become empowered through conflict and learning skills to better address future conflicts. Latinos are underutilizing the services offered by community mediation due to a combination of structural barriers and lack of trust in the process. Structural barriers are connected with cultural issues because to increase participation it is crucial not only to have an understanding of structural or financial constraints but also the larger cultural considerations. To increase participation of Latinos in community mediation, there must be a focus on training and programming as well as community building with the Latino population. It is important to note that struggles of inclusion described in this thesis may not be issues of culture or diverse populations at all. It could be representative of the overall struggle to get people to utilize conflict resolution processes, which are inherently different and new within mainstream dominant Western culture. Community mediation is driven by and for people on a grassroots level–this means that it is a learning process and it will take time and energy to establish best practices for working with Latinos and diverse populations more broadly. In this section I discuss the larger implications of my research drawing upon the evolution of cultural competency, recommendations, limitations of my research, and areas for further research within this field.

Implications of Research

This research highlights the necessity of expanding thinking relating to outreach and inclusion of the Latino immigrant population, and diverse communities overall, in

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community mediation centers in Oregon. There are two models relating to cultural sensitivity, the Bennet's development model of intercultural sensitivity (Conflict Resolution Services, 2013) and the cultural competency matrix (Gurevitch (2001), both of which prove helpful when describing the broader implications of the this research.

Based on work by Milton Bennet there are "six stages in the development of greater capacity for intercultural sensitivity" (Conflict Resolution Services, 2013). The six progressive stages are: denial, defense, minimization, acceptance, adaptation and integration. The first three stages are considered ethnocentric stages and the latter three stages are considered ethnorelative stages. The data gained from the interviewees, particularly the representatives, demonstrates that the interviewees illustrated an array of awareness along this path. The minimization stage was demonstrated through the data gained from mediators and community mediation centers that described a desire merely to recruit bilingual, bicultural mediators. Community mediation centers that are actively exploring different ways to adapt programming for cultural groups demonstrates presence in the adaptation or possibly integration stage. A lot of the interviewees, at the very least, fell into the acceptance stage due to their level of awareness around cultures.

Issues of cultural competency and understanding can also be examined through the Cycle of Understanding discussed by Gurevitch (2001). This relates to the findings in a similar way as Bennett's developmental model of intercultural sensitivity – the representatives and mediators with a more advanced level of thinking around issues of cultural sensitivity/inclusion understand the importance of examining different methods to bring conflict resolution and mediation into different communities. Representatives at these centers spent time engaging with Latinos within their communities, which

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illustrates movement along the Cycle of Understanding through engaging in dialogue processes. The use of frameworks to examine stages of cultural competence demonstrates the different perspectives that people, and the community mediation centers they represent, are examining this issue. Cultural competency is a journey and improvements require giving people engaged in this work the tools to expand thinking and understanding.

Dean's (2001) article about the myth of cultural competence is fundamental to my research. It demonstrates the need for the mediators to be aware of their own culture and also be aware and informed of other cultures, with the understanding that everyone is culturally unique. This article highlights the tension between understanding and utilizing the cultural traits (i.e. collectivism and individualism, power distance, etc.) and being aware of each person's unique composition of various cultures and subcultures. Using this framework illustrates the importance of considering adaptations that emphasize flexibility to the mediation process and programming that might be more appropriate for other cultural groups. This framework, and the previously mentioned other frameworks, are helpful tools for mediators to understand and to improve their ability to connect with and serve others.

Recommendations

Overall I have three main recommendations that extend from my research around methods to remove barriers to participation relating to community building and training. The first recommendation is to develop methods for continuing education for already trained mediators around issues of cultural competency. This continuing education should focus on broader concepts such as cultural sensitivity. It should also focus on more

concrete issues of methods for addressing safety concerns of potential Latino participants and methods for explaining the process and establishing expectations for the process. Some community mediation centers already have designed workshops and trainings focusing on cultural dynamics – it is possible for other community mediation centers to collaborate and utilize these resources. Recruiting bilingual, bicultural mediators and creating new programs specifically aimed at advanced conflict resolution among the Latino community takes time and energy. While it is worthwhile to invest in these endeavors, there needs to be a way to educate current mediators who might interact with Latino clients in the short-term about methods for dealing with diverse populations within mediation. It is important to understand the different pocket communities around Oregon of different Latinos – for instance a lot of Oaxacans migrated to the Woodburn area. It is important to acknowledge the differences and what makes each group unique among these various populations of "Latinos." Additionally knowledge about cultural groups has its own implications, as discussed throughout this thesis, so it is equally important for mediators to be trained to not make cultural assumptions and to ask thoughtful questions. Both providing opportunities for continuing education and inserting cultural issues throughout current trainings is an important first step towards creating a more culturally inclusive environment for all.

Another recommendation involves building capacity and working towards removing structural barriers over time. It is unrealistic to assume that a nonprofit or city government agency could establish the funds immediately to dedicate to this cause. There needs to be the creation of short-term and long-term goals to create methods for community mediation centers to move forward. The Oregon Latino Community Dispute

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Resolution project created a list of short-term and long-term goals, but the main issue is that there was no method for follow through or follow-up. Community mediation centers around Oregon should work to establish short-term and long-term goals that they all can accomplish together and then monitor through check-ins. Additionally, effective volunteer management and the use of volunteers and interns may assist in advancing this agenda without a large financial burden. Oregon is rich with motivated college students throughout the state – there are two Conflict Resolution programs at universities in Portland and Eugene. These students as well as others are driven to work towards helping the communities in which they reside. Utilizing these students and other community members could go a long way towards developing culturally sensitive training materials and building relationships in the community. Consistency is crucial and community mediation centers must be willing to place effort towards ensuring that they will be consistently able to maintain relationships and offer services to diverse population before any outreach or community building occurs.

One last recommendation based on the data gathered is the need for increased support systems for Latinos in general. Throughout the interviews I heard Latino stakeholders, community mediation centers, and bilingual mediators consistently say that basic needs (food, shelter, etc.) have to be addressed first and that often Latinos are referred to other sources for assistance. Community mediation centers should gather and create relationships with community partners who can assist Latino immigrants in navigating the institutional system within the United States. These partnerships can also lead to referrals to mediation when deemed appropriate. Overall, creating partnerships and being able to both refer participants to other resources and have potential participants

referred to a community mediation center creates lasting relationships and increases the ability to effectively serve the community.

Research Limitations

There were several limitations of my research. Some of these limitations could be addressed in future research and other limitations exist due to the nature of the research. I originally wanted to interview Latinos who have participated in mediation in the past. Confidentiality is a major component of mediation processes – this made it extremely difficult to interview Latino mediation participants or speak to mediators about specific cases. Not interviewing Latino participants and only interviewing two bicultural Latino mediators limited my research. Although I was able to gather information on a broader level and discuss it within the previous chapter on Latinos and the mediation process, process adaptation is a major component of cultural inclusion/competency that needs to be addressed further.

Another limitation derives from interviewing a lot of different people and having the interviews focus on a large array of topics – from participation barriers to process adaptations. In the end I collected a little information on a broad array of topics from various groups of people. Based upon my research it seems that there is not enough work being done on issues of cultural inclusion by community mediation centers to specifically focus on process adaptations; however, narrowing the scope of my interviews would have provided me with more focused results.

The interviews did not focus heavily enough on issues of language in mediation processes. Based upon previous education and implicit knowledge of the field, I made the assumption that most mediators prefer to have an interpreter present for bilingual,

English/Spanish mediations. It would appear to make sense to have the mediation

conducted fully in Spanish if both parties are more comfortable with Spanish. My data

points towards a slight difference of opinion, however, since I did not explicitly ask each

interviewee about preference of language interpretation I could not make conclusions

based on my data.

Areas for Further Research

There are several possible areas for further research on this topic that might

provide a wealth of information and possibilities for advancing cultural inclusion in

community mediation. Three main areas for further research are outlined here:

- Interpretation versus bilingual mediator: This topic would focus exclusively on

  the issue of bilingual mediators and the use of interpretation in community

  mediation processes. Questions relating to this topic are: What do mediators

  prefer? What do participants prefer? What issues arise in both practices? What is

  the current standard of practice? What is currently being practiced? What barriers

  exist that may limit either interpretation or bilingual mediation?

- Process adaption: This topic would examine issues of process adaption

  exclusively. It would be necessary to choose one particular type of mediation

  process (family, neighborhood, restorative justice, etc.) and then examine what

  possible adaptations might be helpful for cultural inclusion. This topic could focus

  on cultural competency/inclusion overall or it could pick a particular ethnicity or

  cultural group. Questions relating to this topic are: What does the current

  standard process look like? What aspects translate particularly well across

  cultures? What aspects do not translate across cultures? How do cultural

minorities feel after this process? Do they find it helpful? What would possible

adaptations look like?

- Emphasis on one or two community mediation centers: One of the failings of my
  data was the inability to examine in depth issues relating to this topic across the
  board within one or two community mediation centers. A researcher could work
  with one community mediation center to really examine their programming,
  cultural inclusion efforts, and do a cultural assessment that includes interviewing
  the Latino participants. A focus could be placed on community mediation centers
  that are more advanced in this area of thinking or a comparison between an
  advanced and relatively un-advanced center.

These are just three examples of what could be done differently within this topic area. I

strongly believe that research would be benefited by talking to Latinos within the

community who have experience with mediation. Along those lines it would be helpful to

interview more Latinos or people working with Latinos about their experience with

mediation – both informally and formally. This could be done without the formal

academic research through self-evaluations on behalf of the community mediation center,

perhaps through utilizing an unpaid intern.

Contributions of Research

My research contributes both to the field of community mediation as well as to

my professional development. Issues of cultural sensitivity and competency are a current

focus within the field. The research suggests that community mediation centers can fall

anywhere on the spectrum of intercultural sensitivity stages. It is crucial for centers to

focus on efforts that build cultural sensitivity, not just for Latinos, but overall. There is

not enough research to assert if Latinos, or other diverse populations, will benefit from this service – in order to find out the first step is to make this resource is accessible through establishing culturally sensitive organizations. There are two schools of thought regarding creating culturally competent services – either making the processes more open and flexible for all populations or adapting processes for specific cultural groups. My research suggests that there should be a combination of both approaches for community mediation centers. Trained mediators understand that the process should be open and flexible to meet the needs of the participants, thus mediation is already suited towards the first school of thought after current barriers to participation are removed. Further, training mediators to be culturally competent within their practice will also expand thinking about ways to be culturally sensitive and appropriate. Additionally, two mediation centers suggested strategies for creating specific programming for conflict resolution processes for Latinos. These culturally specific programs are also appropriate and helpful to having mediation meet the needs of the Latino community; however, these programs will only be successful if the Latino community trusts the community mediation centers. I believe that collaboration is essential between Latino community agencies and community mediation centers to establish programming that meets the needs of the Latino community. For example, a pilot mediation program or satellite mediation center could be established within a Latino community agency thus giving credibility and building trust with the Latino community. Overall, community mediation centers should continue to work towards creating culturally sensitive agencies, flexible mediation processes, and culturally specific programming when appropriate and feasible.

Professionally this research further motivates me within my mediation work. As a self-identified mediator, I personally believe in the power of community mediation to transform conflicts and empower people to resolve their conflicts. The Latino immigrant population could benefit from this service if they feel comfortable and safe throughout the process. Mediation is a challenging process that requires training. As an aspiring mediator, facilitator, and trainer I will continue to highlight cultural sensitivity throughout my work. As culture impacts every aspect of a mediation process, culture should be integrated into trainings, not during one specific segment. This research empowers me to continue to consistently and consciously discuss conflict and culture as they are invariably interconnected.

APPENDIX A

RESEARCH INTERVIEW QUESTIONS

RESEARCH QUESTIONS:
The subjects for semi-structured interviews will be program directors/designers of
community mediation centers, mediators who mediate bilingual/Spanish cases, and
stakeholders in the Latino community about internal conflict resolution techniques. If
possible there will be interviews with self-identified Latinos who have participated in
mediation services from a community mediation center and observations of bilingual
mediation sessions. Given concerns with impartiality of the Latino participants referred
for interviews and confidentiality of the process, it might not be possible to include
anything regarding mediation observations or interviews within the thesis.

Below are research questions for each of research groups:

Program Directors/Designers of community mediation centers:

- Who are your clients? Can you describe the communities you serve? Would you
  consider any of these communities to be ethnically diverse?
- Describe your recruitment and training for staff and volunteers.
- Describe your outreach/marketing strategies.
- Do you think there is a universal process to mediation?
- Describe your current services to the Latino population/diverse communities.
  - Does your organization partner with any other organizations in their work
    with diverse communities (ie Latino human services nonprofit)? Describe this
    relationship, if applicable.
- How many bilingual staff members are employed by the Center and what are their
  positions? How many are also bicultural? (Spanish/Latino or other minorities)
- Are there any Latinos on the Board? Staff? Volunteers?
  - (or other ethnic minorities)
- Typically how many cases involving Latino clients do you see in a year (or other
  ethnic minorities)? Do you typically see bilingual cases or cases where both parties
  are monolingual (or prefer to speak) in Spanish?
  - *What about other diverse communities?
- Do you have any outreach/marketing strategies specifically for diverse communities
  in your service region?
  - Latinos?
- What are your *current* goals in serving the diverse communities? What would you
  like to see a year from now? What would be the ideal situation?
  - Any goals specific to Latinos populations?
- What are your training needs relative to outreaching and providing mediation services
  to diverse communities?
  - Latino population?

- In your work with the Latino community, what do you think are the most important issues that arise (i.e. power dynamics, generational difference, safety concerns, lack of understanding about the process of mediation, etc.)
- Do you believe you successfully serve the Latino population within your service area? If not, in your opinion, what are your largest limitations to successful service for the Latino population?
- If your Center participated in the Latino Community Dispute Resolution Project: How did your participation affect your Center's relationship with the Latino community?

Bilingual mediators or mediators who have utilized a translator during sessions:

- Do you personally identify as bilingual with English and any other languages (Spanish)? Bicultural?
- What was your training for mediation? Anything specific related to cross-cultural mediation?
- Do you think there is a universal process to mediation? If so, what qualities can be considered as universal to that process?
- What are the challenges to cross-cultural mediations in your perspective?
- How many cases have you mediated recently (last three months) where one or more of the parties identified as an ethnic minority?
    - o Of those many identified as Latino/a?
    - o How many where only with Latino parties presents?
- Do you make any adjustments to the mediation process when one client or more in a mediation session is of an ethnic minority?
    - o What do those adjustments look like?
    - o Specific adjustments depending on culture or in general?
    - o If specific adjustments, what do they look like when one party identifies as Latino/a?
- Do you think your local community mediation center successfully serves the diverse communities within your region? If not, how could they improve this?
    - o Any other thoughts specifically related to the Latino populations?
- In your work with the specifically the Latino community, what do you think are the most important issues that arise (i.e. power dynamics, generational difference, safety concerns, lack of understanding about the process of mediation, etc.)
    - o Do you address these issues within your mediation sessions? How?

Latino stakeholders in the community:

- What is your relationship to the Latino population in Eugene?
- If you're willing, what is your personal connection with Latino culture?
- What kinds/types/examples of conflicts do you often hear arising within this community? Please share in as much or as little detail as you feel comfortable without using names.
- How do people talk about conflict? Do they even use the word conflict?

- What are the typical manners/methods that people within the community use to resolve conflicts?
- In your opinion, what are the typical manner of resolving conflicts within the community useful and appropriate?
- How do you think the Latino community would respond if they knew they could access neutral, third-party mediators to help them work through the conflict?
- What are your impressions of mediation? What do you think the impression of mediation is in the Latino community? Have you heard any stories of members of the Latino community utilizing mediation?

After explaining the typical process of mediation:
- Do you think the Latino community would access if this resource? Why or why not?
- What, if any, adjustments do you think could be made so that there would be increased participation of mediation?

APPENDIX B

LATINO OUTREACH REPORT

Beaverton Dispute Resolution Center
Latino Outreach Plan
January 2005

Research conducted by Amy Potter for BDRC

The information in this report is based on interviews with the following people:

Cecilia Maciel, Outreach Police Liaison
Domestic Violence Victim's Services, Hillsboro
503-681-5341
ceciliam@ci.hillsboro.or.us

Tomas Garza
Program Coordinator
Linn-Benton Mediation Services
541-928-5323
tgarza@mediate.peak.org

Jaime Chavez
MIRA Mediation and Consulting Services
503-612-7769
jaime@miramediation.com

and articles from www.mediate.com

Gomez, Clara, Josefina Rendon & Walter Wright, "Enhancing Mediation Services to the Spanish Speaking Community: Perceived Needs and Recommendations.@

Llapur, Rene, A Mediator's Cross Cultural Dynamics Involving Latino's."

Rendon, Josefina and Edward Bujosa, "Mediating with Interpretors."

Sarmiento, John, "Culturally Responsive Alternative Dispute Resolution for Latinos."

Engiles, Anita, Cathy Fromme, Dianne Resche, and Philip Moses, "Encouraging the Use of Mediation by Families from Diverse Backgrounds

The Context of Beaverton: The perspective Cecilia Maciel is that Beaverton seems to be center point of Latino community and is a central point where people come and move on. There seems to be more turnover in Beaverton.

Outreach to Latino Community

Tomas Garza and Jaime Chavez's experience regarding outreach to the Latino community is that *who* does outreach and *how* it's done are both crucial elements for success.

Questions such as the following need to be addressed:

❑ What is the venue where mediation takes place? Could it potentially cause fear or suspicion among participants? Does it seem welcoming?
❑ Who is the person doing the outreach and does that person have standing in the community (priest, mayor etc.)
❑ With whom does the mediation program need to partner?
❑ How/who will be responsible for continuous outreach?
❑ Where are the disputes occurring (apartment building, workplace, etc.)
❑ How is the message/marketing/education regarding mediation services framed?

What is the venue where mediation takes place?

Could the venue (i.e. Beaverton Mayor's Office) potentially cause fear or suspicion among participants? Does it seem welcoming or too sterile? Project Partners can share their thoughts regarding this question. On the one hand, it may be intimidating for parties to come to the Mayor's Office. On the other hand, it may seem more professional and give more weight to the idea of mediation.

Who is the person doing the outreach and does that person have standing in the Latino community (priest, mayor etc.)? With whom does the mediation program need to partner?

I think that developing project partnerships with local churches, social workers, and other key leaders in the Latino community will be essential in effective outreach to the Latino community. This does not mean that BDRC staff shouldn't do the actual presentations, etc. But it is essential to have the backing of the local priest (or whoever is the trusted person) and be introduced to the community by someone they trust.

When doing outreach, address who you are as a whole person, for example, let people know not only where you work, but how many kids you have, about your spouse, where you grew up, how you got interested in mediation, what inspires you in your job, etc.

When speaking with potential parties, be sure to address them in their "whole person" as well. For example, ask about family members, kids, what inspires them, etc.
The priest at St. Cecilia's would be a good source of information regarding who other leaders in the community may be.

How/who will be responsible for continuous outreach?

Will it be possible to hire a PT outreach coordinator to develop and maintain contacts throughout the Latino (and other) communities?

Tomas Garza's experience is that after hiring a grant funded outreach coordinator to develop and nurture relationships in the community, funding ended just as the program became better known and trusted among the Latino community. And those relationships that supported the growth of Latino participants tend to fall away for lack of time to nurture them. There is an issue of breaking trust within the community when this happens.

Where are the disputes occurring (apartment building, workplace, etc.)?

Ideas for discovering source of disputes:
  ❑ Discussions with project partners
  ❑ Focus groups

How is the message/marketing/education regarding mediation services framed?

Relationship oriented: talk about who you are as a whole person to build trust.
Look at apartment buildings with high Latino densities, get a sense for what type of disputes are occurring

Community Partnership Thoughts
  ❑ Developing relationships within community takes 3-5 years before a program begins to see a flow of cases (Tomas).
  ❑ Approach collaboration with community service providers as "project partnerships (Tomas)"

Concrete Outreach Ideas
  ❑ Church presentations – 2 minutes during mass
  ❑ Socio-dramas (A Spanish/English example is included at the end of this report.) Socio-dramas can provide an excellent example for how mediation actually works.
  ❑ Focus groups with Spanish speaking/bilingual service providers as a needs assessment: find out what they know about mediation, what they think, where do people congregate? Who do they turn to in a dispute? Do they prefer radio? TV? Print media?
  ❑ Spanish only voice message, business cards are bilingual
  ❑ Hire a PT outreach and relationship building staff member to regularly maintain relationships and check back in with people.

Capacity Building with Current Volunteers

❑ Practice mediating with interpreters
❑ Offer training on working with Latino clients, interpreters, etc.
   o What will Latino parties likely NOT know that may be taken for granted among US Americans?
   o What will Latino parties likely assume that may throw an Anglo mediator for a loop?
   o What are things to know about varying class, culture, and generational differences within Latino community?

Both Tomas Garza and Jaime Chavez would potentially good candidates for offering this training.

Jaime's approach to diversity training begins by explaining culture shock and what it feels like. His approach is that if someone in front of you is experiencing it, you have to deal with it. He creates a commonality on that experience among participants in the workshop. At this point, it's easier to get into people's psyches and get people to explore in an innocuous way their own assumptions. He then moves the group to different communication styles, interpreting vs. evaluating the responses, etc. He tries to find out where people are at, where they are coming from and start there to guide them through the process.

Bilingual Volunteer Recruitment

Tomas and Jaime learned from the Latino project that finding bilingual and bicultural volunteer mediators is difficult. Tomas and Jaime suggested that some reasons for this may be that many people are more focused on basic needs (jobs, education, basic resources), learning how to navigate US culture, and learning how to support children developing bicultural identities, etc. Jaime stated it is therefore important to be very specific regarding the identification of potential mediators.

Tomas' experience is that mediation organizations that are most successful in recruiting bilingual and bicultural volunteers were those that had outreach staff.

Recruit from:
❑ Interpreters
❑ Beaverton Resource Center
❑ Bilingual and Latino City employees
❑ PCC Latino and Bilingual employees/students
❑ Church employees
❑ Latino Family Outreach employees at local high schools

Capacity Building of Bilingual Volunteers

- ❑ Offer training in English (if training materials are not available in Spanish) but practice role plays in Spanish to help mediators process the information in their first language. Include Jaime, Tomas, etc. in this process. Information is processed and issues are framed differently in Spanish.
- ❑ Offer free training

Marketing Ideas

Jaime and Tomas' experience is that most Latino parties do not learn of mediation through written materials. It is therefore appropriate to use fewer written materials in marketing.

- ❑ "Mediation: It's Your Right" – Jaime hired a marketing company to see what the best way to market mediation services to Latino clients would be. This phrase was the result of this study.
- ❑ Posters with photos of Latinos
- ❑ Radio: Local Spanish stations, KBOO: Do a joint KBOO thing during the Spanish hours between NW resolutions, Hillsboro, and Beaverton)
- ❑ Cita Con Nelly: BDRC, Hillsboro and Resolutions NW buy time together? (Confirm that people actually watch this show)

What Services are Needed by Latino Community?

Coordinate some focus groups with leaders in Latino community to further explore this question, as it pertains to Beaverton. Tomas, Cecilia, and Jaime all mentioned the following:

- ❑ Landlord/Tenant
- ❑ Workplace
- ❑ Parent/child - Big problem with parent/child power structures (Cecilia Maciel's experience)

How do we provide service? Is current model appropriate?

In reflecting on his experience, Tomas Garza feels that people are responsive to this mediation model across the board. The Latino Project has not had to change the model at all (except for the addition of more chit chat at beginning of mediation and offering coffee and tea), although there was a lot of discussion regarding this issue. This model works across cultures, cuts across boundaries

How can we work better with Latinos? Some ideas include:

- ❑ Offer coffee/tea
- ❑ Offer childcare during mediation if necessary
- ❑ Talk about families, kids, where people are from over coffee and tea for 20 or 30 minutes before beginning the mediation.
- ❑ Offer to the parties that an ally or an advocate may attend the mediation. This could actually benefit all parties, regardless of cultural or linguistic background. Could potentially help to even out economic, education, racial, etc. differences and power imbalances
- ❑ Allow for time of reflection, checking in with others, before final agreement
- ❑ Need to be constantly aware of how to set people at ease.

Ideas

Tomas has implemented the idea of training volunteer mediators who could ideally provide services in their own offices (such as church employee as mediator where the church environment may be more welcoming). A partnership reaching past outreach can be developed where BDRC provides admin support --like an extension of the mediation offices so mediation can be more personalized

Potential Points of Failure & Potential Solutions with Traditional Mediation Model

- ❑ **Potential Point of Failure (Name of person who mentioned it)**
  - o **Potential Solution**

- ❑ Contract part of mediation could potentially be seen as another obligation, too legal, suspicious (Cecilia)
  - o Spend a great deal of time doing education regarding how the system works, what mediation is, what the process is, what to expect at every step of the process, important to be very clear about mediator roles, about what parties are being asked to do (Cecilia, Jaime, and Tomas)
  - o Ground rules need to be explained during case management, "We are giving choices so parties can be better prepared." (Tomas, Cecilia)

- ❑ If interpreting, people need to look NOT at interpreter but at people (Cecilia, article)
  - o Don't look at interpreters ☺

- ❑ Family/Community nature of resolving conflicts.
  - o Make sure parties understand they need to be very independent in their choices (Jaime)
  - o Bring compadres or another advocate, make sure there's balance if parties bring an advocate (Jaime, Cecilia, Tomas)

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- Allow for time to reflect and talk with community or family members before proceeding to final agreement.

❑ Participation of advocates, compadres in affecting fair power balance
- Caucus with compadres, make sure compadres understand the system (Cecilia, Tomas, Jaime)

❑ Belief systems
- If something is in their belief system, figure out a way to not deny that belief, whatever it is.

❑ Rigid expectations, not understanding power balances within Latino communities, families, on part of mediator
- If we have rigid expectations and assume too much, that will not support Latinos. Must have sense of Power dynamic…figure out the household structure (Jaime)

❑ Challenge in neutrality---perceived bias if spending a lot of time with one party doing education and not with the other party.
- Erring on side of too much education with both parties is important

❑ The building you are in, etc represents you and this is how your relationships start with Latinos. (Jaime)
- Anticipate needs. How can I demonstrate to you that I have your best interests in mind?

❑ Issues with reciprocity (gifts, inviting for quincineras, etc.) (Jaime)
- Politely thank parties and decline—with an explanation as to the ethical issues on your part, within the culture of the agency, etc.

Interpreters

Jaime does not think interpreters should be used because there are too many potential points of miscommunication. He feels that mediator should translate.

Tomas has not had the experience of mediating with interpreters. All of his Spanish language mediations have been monolingual Spanish.

My personal opinion is that mediation and interpretation are two different skill sets. Furthermore, interpretation is a very different skill from being merely being bilingual. Although I am sure that some people are able to successfully do both, I think that there can be miscommunication problems if the mediator is not a skilled interpreter while attempting to concentrate on both skill sets at the same time. The mediator can always clarify what interpreter has stated if that concern arises.

Amy's Suggested Outreach Contacts – A Beginning
All of the following people are fully bilingual, with the exception of Marilyn (and she holds her own as well). They will each have a wealth of information regarding the Latino community in Beaverton, knowledge about the leaders of the community and would make excellent focus group people. They would each make excellent mediators.

DHS
1. Vangie Sanchez, DHS Beaverton Office (off of Jenkins) (Offers classes on child abuse and fostering)
503-646-9952 X314
12901 SW Jenkins, Suite B, Beaverton

Churches
1. St. Cecilia's Catholic Church
Bill Richardson, 503-644-2619 x70
Office Manager Nancy Eyer

High School contacts
1. Maria Samayoa, High school family outreach person (title??)
maria_samayoa@beavton.k12.or.us
503-259-5156

PCC contacts (Rock Creek)
The following people work closely in the community and with students. They will each have good ideas and things to suggest regarding who's who and what's what in Beaverton. They would also be great mediators if you can get them to do it!

1. Paul Halloran, Academic Advisor, phallora@pcc.edu
2. Julio Galian, Academic Advisor, jgalian@pcc.edu
3. Narce Rodriguez, Campus Director of Student Services, nrodrigu@pcc.edu
4. Nerva Pfund (SY acadmic advisor), npfund@pcc.edu
5. Mara Silvera, International Student Advisor, msilvera@pcc.edu

Head Start Contacts
I work very closely with Marilyn and Cathie. They will have excellent contacts throughout the community. Head Start also works closely with parent councils and working with Head start family advocates and parent councils would be a great way to begin working in the Latino community. Marilyn's people work more in the Beaverton area whereas Cathie's people work more in Cornelius and Forest Grove.

1. Cathie Deweese-Parkinsin, Director migrant Head Start WA County (Cornelius), Cathie.deweese-parkinson@pcc.edu

1. Marilyn Harrison, Director Head Start Community Action (Hillsboro),
   mharrison@caowash.org
2. Head Start Family services people (contact Marilyn or Cathie for references)

Community Contacts
1. Sabino Sardineta, Director Centro Cultural (Cornelius)
   Sabino knows everyone. He's great. He will also be a great source for labor
   contacts regarding workplace disputes. In addition to Sabino (who is probably too
   busy) there are a few other people at Centro Cultural who would make great
   mediators (ask for Romulo).
   (503) 359-0446 X 26
   sabino©centrocultural.org

Recommended Approach

Based on above information, I recommend the following approach:

1) Coordinate a focus group of community members to:
   - ❑ Find out what they know about mediation
   - ❑ Find out more information about the Latino community in Beaverton
   - ❑ See if they are interested in becoming potential partners, referring people, etc.
   - ❑ See if they want to become mediators themselves

2) Contract with Tomas or Jaime for a capacity building training with current volunteers
   - ❑ Practice using interpreters
   - ❑ Address issues addressed above.

3) Conduct training specifically for bilingual mediators
   Local bilingual mediators include:
   - ❑ Marcela at Resolutions NW
   - ❑ Christina Albo in Clackamas
   - ❑ Jaime Chavez in Tualatin
   - ❑ Cecilia Maciel in Hillsboro

4) Begin conducting outreach activities
   - ❑ Socio-dramas (use new bilingual mediators to act them out)
   - ❑ Attend mass
   - ❑ Beaverton Resource Center activities
   - ❑ Radio broadcasts

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