

Cleveland Mediation Center

Position Paper on Mediator Qualifications Draft Executive Summary January 1995

Background

The Cleveland Mediation Center, a grass-roots, community-based mediation program, is located on the near west side of the city of Cleveland. Established in 1981, this program serves the diverse population: by mediating interpersonal disputes, intervening in public policy disputes, providing domestic relations mediation services, mediating intra-agency conflicts, and by offering mediation, facilitation, and leadership training. The services are offered free of charge to those who reside within the geographical boundaries.

The program is governed by a community board of policy making trustees that reflect the diverse population of the community. The primary service delivery is provided by volunteer mediators, who by charter also reflect the age, gender, ethnic, economic and racial composition of the community. Policies governing mediator training and readiness to mediate, as well as evaluation processes were developed by the volunteer mediators and approved by the board.

The philosophy that guides the program has been adapted from the Community Boards Program in San Francisco, the Quaker and Mennonite approaches to conflict resolution, and social change. As such it believes that all citizens have a responsibility to insure that conflicts in the community are resolved by neighborhood residents in the most productive fashion available.

Qualifications\Licensure and Credentials

Over the years the Cleveland Mediation Center has trained over 800 community volunteers. In addition to their cultural diversity, the volunteers have varied educational levels, reading and verbal skills. Their formal education has been as limited as tenth grade and some were JDs and Ph.Ds. A testimony to the program's belief that all people can, and should mediate conflicts, is CMC's fourteen years of accomplishments. The Cleveland Mediation Center is fervently opposed to any entity setting standards, issuing licenses or certifying mediators in the state of Ohio.

Effect on Consumers and Quality of Service

Beyond the philosophical challenges posed by outside entities imposing mediator credentials, licensure and qualifications, CMC is concerned with the impact such an event would have on the citizens who would utilize mediation services, the community at large and the field of conflict resolution. The rationale given by groups advocating for licensure is most often to protect the consumer by insuring the quality of the service delivered. Research reveals that this is not the case.

"Several studies have shown that licensing (1) raises product or services prices (2) has not coped with "market failures" and has not raised quality-- indeed may have even lowered it..." (Schuck 1980)

" There are three models of support for licensure they are:"
(1) the public interest model, in which consumers or their agents seek licensure in order to improve the quality of the services,
(2) the acquired model, in which occupational elites or rank- and file members of an occupation seek to use licensure to increase their incomes, and
(3) the bureaucratic model, in which bureaucrats support licensure in order to increase their agencies budget and improve their own career opportunities. (Devries 1985)

"...thus, like members of medieval guilds, the licensed professionals can maintain their privileged positions regardless of market forces. Study after study has shown that licensing results in higher direct cost to consumers..."
(Perstuck 1985)

"... most licensure laws are the result of intense lobbying by incumbent practitioners, not consumers demanding better protection" (Williams 1982)

Immediate and Future Effects on the Field

More alarming to the citizen taxpayers, who comprise the board of trustees of the Cleveland Mediation Center than the increase cost to the public, and the lack of evidence that shows an increase in the quality of the service, is the obvious exclusionary results of all licensure efforts. At a time when the chasm between the diverse members of our community is being widened by : economic, educational and social disparity, the Cleveland Mediation Center will actively resist any movement that will segregate the field of conflict resolution into the "haves" and "have nots".

"One issue is the belief that standardizing procedures and regulations, policies and role expectations will guarantee that professional and organizational prejudices will not affect service delivery to minorities of color. In fact as Solomon (1979) points out the resulting form of discrimination that is evident-- institutionalized racism-- results from the fact that "standardization is done along lines consistent with the values, norms, life style etc. of the dominant group" (Everett 1990)

"Often licensing requirements spell minimum hours of specialized education at "approved schools". Schooling requirements involve tuition costs and, as such, exclusion on the basis of financial resources will not be spread across all demographic groups. (Williams 1982)

"Economically the solutions to problems of upward mobility that blacks face are relatively simple. Their most difficult problem lies in the political arena. How can they eliminate or reduce the power of interest groups to use the government to exclude?" (ibid)

Conclusion

The Cleveland Mediation Center, one the first community based mediation programs in the state, strongly opposes any credentialing, licensure, or imposition of standards of practice for mediation. In addition to its philosophical opposition we believe that despite arguments to the contrary, research shows that the quality of the service or product is not improved. In fact, the price of the service increases, which benefits the practitioners who lobby for the qualifications. Most seriously, research has shown that the financial, and educational requirements of licensure serve as barriers and limit the participation of people of color, and people with low income after occupational licensing occurs. The Cleveland Mediation Center views any activity that promotes the establishment of mediator, qualifications, standards and licensure by an outside entity as a grave threat to this communities capacity to resolve its own conflicts.