Current barriers to increasing the use of CMC and community mediators values are the lack of community agencies and individuals real experience with CMC and the knowledge that the CMC is designed to assist both individuals and systems respond to conflict

CMC must challenge preconceived biases of what a CMC is, what it is not, and then create space for hope and curiosity about what a CMC can do for their agency and their community.

Community agencies who really want to break the cycle of having "too much to do," must then reach out to their community mediation partner who has the skills and orientation to help them accomplish the change they seek.

What are some significant learnings about the state of community mediation in 2019?

- CMC is a valued community tool no matter the type of emerging conflict.
- CMC is headed by dedicated and passionate staff.
- CMC has the ability to impact both the systems and environment of their communities by helping each to embrace self-reliance, empowerment, support for other sectors, inclusion, and mending relationships.
- CMC offer a diversity of services, in addition to mediation, to help individuals, families, groups, and communities in conflict.
- CMC share a common genesis in the 1964 Civil Rights Act, Section 10.
- Diversified funding sources and increased human capital are important to the future stability of community mediation centers.
- Each CMC is different in its focus, its impact and the significance it is invited to create in its community.
- The field of community mediation has and must continue to develop and adapt to meet the needs of changing communities.

What are some next steps for community mediation?

- Embrace the importance of the visibility of CMC by educating the public about services offered, becoming more accessible to the community, and networking with other agencies and institutions to improve awareness.
- Focus attention on issues of equity and power within institutions and society at large.
- Gain support from other sectors of the community through partnerships and the expansion of services.
- Intentionally discover the community capacity and needs; and then assess their services against these revealed core needs and community's capacity to address these needs.
- Take a delicate, educated, and informed approach to the issues that divide communities, including acknowledging of the trauma of marginalized groups.
- Provide the tools for the positive change that can happen in each community.

Acknowledgments

To find out more, become a member of NAFCM and download the full report at www.nafcm.org under the Practitioner & Program Resources tab.

Credits

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The presentation of the data collection results in the report follow the 9 Hallmarks that are the guiding principles of NAFCM. Established after NAFCM's founding in 1994 and designed collaboratively by CMC, the Nine Hallmarks bind community mediation centers and community mediators together in philosophy and practice. The Hallmarks anchor new and longstanding centers with shared values rooted deeply in community and collaboration. Each CMC is at a different stage of embedding and actualizing the Hallmarks into the culture, structure, and communication of their centers. In addition to the Hallmarks, the data was analyzed according to the categories of organizational capacity, systems capacity, and community capacity.

#NAFCMMoreThan #NAFCM25

Community Mediation Centers are characterized by and committed to these 9 Hallmarks:

1. A private non-profit or public agency or program thereof, with mediators, staff and governing/advisory board representative of the diversity of the community served.
2. The use of trained community volunteers as providers of mediation services; the practice of mediation is open to all persons.
3. Providing direct access to the public through self-referral and striving to reduce barriers to service including physical, linguistic, cultural, programmatic and economic.
4. Providing service to clients regardless of their ability to pay.
5. Providing service and hiring without discrimination on the basis of race, color, religion, gender, age, disabilities, national origin, marital status, personal appearance, gender identity, sexual orientation, family responsibilities, matriculation, political affiliation, source of income.
6. Providing a forum for dispute resolution at the earliest stage of conflict.
7. Providing an alternative to the judicial system at any stage of a conflict.
8. Initiating, facilitating and educating for collaborative community relationships to affect positive systemic change.
9. Engaging in public awareness and educational activities about the values and practices of mediation

WHAT IS COMMUNITY MEDIATION?[1]

Mediation in the United States was embedded within the 1964 Civil Rights Act in an effort to address racial, ethnic, class, and gender inequalities throughout the courts and legal action. In an effort to provide neighborhoods with localized conflict resolution services, multiple organizations sprouted nationwide, and community mediation began to take public and sustainable root.

Who is the National Association for Community Mediation?

The National Association for Community Mediation (NAFCM), the national organization supporting the work of community mediation, today represents a national network of community mediation centers and community mediators, and provides them a platform for information exchange, skills development, innovation, and promotion of the impact the Community Mediation Centers (CMC) and their mediators have in their communities.

Why 2019 for this study?

In 2019, NAFCM marks the 25th Anniversary of the organization's establishment to be the hub for all who choose to aid communities and individuals in resolving disputes, disagreements or difficulties relating to practices that impair the rights of persons in their communities and threaten peaceful relations among them. To mark the 25th Anniversary, the JAMS Foundation awarded NAFCM a grant to support the administration of a data collection and reporting process to assess the state of community mediation in the US and Canada. NAFCM partnered with the George Mason University - School for Conflict Analysis and Resolution (S-CAR) and together developed a two-prong data collection process that included an online survey and structured listening sessions. This is the executive summary of the findings.

Where and when could community mediation be called upon[1]?

Where and when there is violence: Universally, there was an assumption that freedom from violence is a foundational element of a healthy community where "people can go about their business and live their lives free from fear and free from violence".

When and where there is marginalization: community mediation "is a place where everybody gets a chance to be engaged. Everybody's voice is heard … at the same kind of level. A place where people's ideas on how to improve the community can bubble up, be shared and supported…".

When and where there needs to be empathy: "Sometimes, just being heard is enough to make someone kind of change their perspective or change their behavior or not do the unsafe thing they were going to do".

When and where there needs to be healing: "We would have to give up the assumption that individuals are incapable of resolving disputes on their own and have to have a lawyer or judge to help."

[1] The quotes are from community members who participated in the April 2019 Listening Sessions.

What is the **organizational capacity** of community mediation centers to be the community hub for communities and individuals in resolving disputes, disagreements or difficulties relating to practices that impair the rights of persons in their communities and threaten peaceful relations among them?

Organizational capacity is the ability of an organization to fulfill its mission through a blend of sound management, strong governance, and a persistent rededication to assessing and achieving results. The internal mechanisms of community mediation centers (CMC) are guided by NAFCM's Hallmark 1 to Hallmark 5.

Financial

There are large ranges in the budgets for CMC across the U.S. and Canada. While a little over a third of centers had a budget that was at or exceeded $250,000, over half of the total centers that responded had budgets that were below $200,000. This budget difference may cause difficulty for centers who work with smaller budgets and need to do the same community mediation work as the higher budgeted centers, but struggle with limited funding and human capital to expand their programs and outreach.

Communication

There are many ways participants are referred to their local community mediation center. Most case referrals (66%) came from:

- a legal service organization,
- a local nonprofit/charitable organization,
- court programs,
- governmental agencies,
- housing agency,
- legal representation/attorney,
- mediation/ADR network,
- school system/organization, or
- self-referrals.

Access to Justice

Most clients should be able to easily access community mediation services in the U.S. and Canada because of a very low bar, if any, to receipt of services. CMC are committed to reducing economic barriers. 60% of all services offered by CMC were either free or available on a sliding payment scale to those in the community.

Social

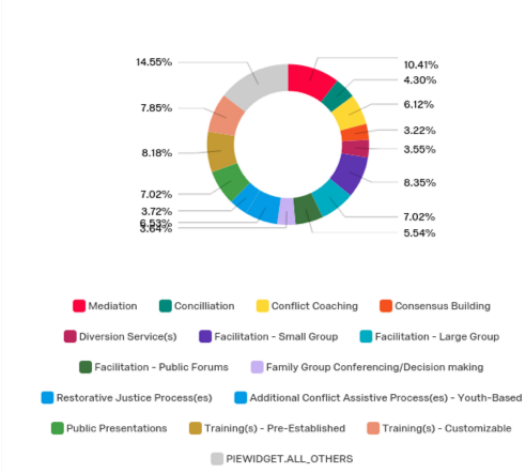
CMC are receptive to the language needs of their communities and have used technology to assist them in reaching out to potential service recipients. Many centers noted that when they did not have a volunteer or staff members that spoke the language of a person or group in need of services, they hired an interpreter to make sure all persons had access to community mediation. The centers continue to strive to reduce physical and social barriers in their communities so that all persons are served.

What is the **systems' capacity** of community mediation centers to be the community hub for communities and individuals in resolving disputes, disagreements or difficulties relating to practices that impair the rights of persons in their communities and threaten peaceful relations among them?

Systems' capacity is the ability of the organization to work with affinity partners to ensure safety and security through increased system capacity to mediate and resolve disputes between individual members as well as among groups. This would include the capacity to identify problems and issues, develop solutions to those problems and implement the solutions, as well as to instigate and facilitate processes in which individuals and groups with common interests collaborate to reach a common goal or goals. The systems connectivity of CMC are guided by NAFM's Hallmark 6 and Hallmark 7.

In addition to CMC offering Mediation, they also offer an array of services:

- More than 60% of all CMC offer some aspect of restorative justice processes. Of those that offer these processes as a means for dialogue and healing, 20% work within the criminal justice system. The remaining 80% focus on either school or community areas of practice.
- 78% of CMC offered either pre-established trainings or customizable trainings.
- 81% of CMC offered either small group facilitation, larger group facilitation or public forum facilitation through their centers.
- 57% of CMC offered conflict coaching as part of their services.



Current systems' barriers for embedding community mediation values within community systems are:

- high staff turnover rate at local agencies and organizations
- enormous pressure to perform within low budgets in particular with social agencies
- inability to innovate in procedures, processes, and operations within government, judicial, criminal justice and law enforcement entities

What is the **community capacity** for community mediation centers to be the hub for communities and individuals in resolving disputes, disagreements or difficulties relating to practices that impair the rights of persons in their communities and threaten peaceful relations among them?

Community capacity reflects the community's potential for addressing present issues requiring community action for change in order to increase community connectivity and decrease cultural and systemic issues that marginalize community members. Some of the dimensions of community capacity may be participation and leadership, skills, resources, social and interorganizational networks, sense of community, understanding of community history, community power, community values, and critical reflection. This capacity exists in a dynamic state and develops in stages of readiness. Community connectivity for CMC are guided by NAFCM's Hallmark 8 and Hallmark 9.

CMC work to assist communities and organizations with system change in creating peaceful relations across the field. There was notable consensus that dispute resolution and improving systems designed to handle conflicts by working with CMC may divert more cases from more formal mechanisms, thus generating opportunities to create healthier, sustainable relationships between communities and systems/institutions like law enforcement and the court system.

There is, however, across Canada and the United States both a push to support CMC in facilitating these peaceful relations and a pull away from taking the steps to create these peaceful relations.

The Push towards peace

An overarching theme across sectors was the perceived need for members of a community to come together - to see, know, and acknowledge one another in a way that was harmonious while still acknowledging and respecting differences. Healthy communities with positive peaceful relationships work together through difference to accomplish a common good that meets collective needs. Multiple participants expressed the need for more intentionality in community engagement.

The Pull away from responsibility

The dominant perception of structural barriers to peaceful relationships is when parties pull away from their responsibility to resolve conflict. Inherent in responses by community members was a perception that the status quo (structure, assumptions, organization, funding) would need to be challenged in order to achieve progress and that they did not have the ability to take on that challenge. This suggests a sense of powerlessness to make changes, which creates a gap between the community's desire for change and their perceived lack of agency to make that change.

> **"Burnout is not working too hard, burnout is where nothing is happening."**

Respondent from the April 2019 community listening sessions, in response to the theme: impact of lack of time, money and skill set on the community organizations ability to engage with community mediation centers.