COMMUNITY JUSTICE INITIATIVE GUELPH-WELLINGTON MEDIATION REPORT

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Contributors

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- Karen Nelson, Research Shop Coordinator
SUMMARY

- Research goal: To conduct a needs assessment for Community Justice Initiative (CJI) in expanding their mediation service to the City of Guelph and County of Wellington.

- Methods: A focus group and individual interviews were conducted with community members who represented different sectors, organizations, and companies in Guelph and Wellington to gain their perspectives on introducing a mediation service to the City of Guelph and County of Wellington.

- Main findings: A mediation service was described by participants as being needed in Guelph and Wellington and was viewed as being beneficial to people and organizations within these areas. Participants also believed a mediation service would offer the community a method outside of the legal system to resolve conflict in a peaceful and positive way. Obstacles in people accessing a mediation service were also raised including a lack of awareness by the public of what mediation is, rural challenges such as transportation, and stigma attached to mediation.

- Conclusions: Mediation was viewed by the participants as a positive way to approach and resolve conflict within the community. Awareness and education were described and key components of providing a successful mediation service in Guelph and Wellington.
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INTRODUCTION

This project was prepared for Community Justice Initiative (CJI) of Waterloo Region, a non-profit organization that offers restorative justice services to individuals and groups living in Kitchener, Waterloo, and Cambridge. Programs and services provided by CJI include conflict resolution, victim offender reconciliation programs, support for individuals impacted by sexual trauma, and mediation services among others. In offering these services, CJI aims to address and resolve conflict from a restorative justice standpoint by engaging people inflicting harm, those affected by the harm, and the broader community. Through a restorative justice approach, CJI strives to create a safer community by supporting more peaceful methods of conflict resolution.

The goal of this project was to conduct a needs assessment for expanding CJI’s mediation service to the City of Guelph and County of Wellington. Specifically, our goal was to speak with individuals representing different sectors, organizations, and companies from Guelph and Wellington to understand their perspectives of introducing a mediation to these areas. This goal will help to provide information about how CJI can effectively expand and adapt their mediation service to the needs of the Guelph and Wellington community. Given the different urban and rural areas of Guelph and Wellington, a needs assessment is also important in adapting a mediation service to the diverse requirements and unique characteristics of these areas.

Background of CJI Mediation Service

CJI’s current mediation service is offered to youth, adults, seniors, family members, teammates, neighbours, classmates, coworkers, victims and offenders in Kitchener, Waterloo, and Cambridge communities who are seeking conflict resolution. CJI mediators are trained volunteers who have completed the Transformative Mediation Training through Conrad Grebel University College in Waterloo, Ontario. The process of mediation involves a CJI mediator meeting with participants prior to the mediation to prepare all individuals for a safe and respectful dialogue. The role of a CJI mediator during the mediation process is to provide individuals with an opportunity to speak as well as listen to each other. This discussion revolves around the situation in question and the impact this situation has had on the individuals. Through this meditation individuals are encouraged to take
responsibility for their actions, listen to others and come to a resolution that is mutually accepted. CJI mediation services are free except for family mediations involving the development of a parenting plan as well as workplace and housing mediation which are offered on a sliding fee scale.

METHODS
To conduct the needs assessment for a mediation service in the City of Guelph and County of Wellington, a focus group and individual interviews were conducted with a diverse group of stakeholders living in Guelph and Wellington. Individuals asked to participate represented different sectors, organizations and companies in Guelph and Wellington who may encounter situations of conflict or crime in their line of work. Having a diverse group of individuals was important in ensuring a range of perspectives of how a mediation services could address different community needs.

Recruitment
Email invitations for the focus group were sent out by the community partner to a select group of individuals in the community. Individuals who agreed to participate were asked to attend a two hour focus group facilitated by the two researchers. Individuals who could not attend the focus group were asked to participate in a phone interview. Participants for the focus group and phone interviews included representatives of the following sectors, organizations, and companies: Guelph Police Services, housing services, Guelph and Wellington Task Force for Poverty Elimination, Guelph Neighbourhood Support Coalition, community services, counselling and support services, and the City of Guelph.

Procedure
A total of 10 people participated in the focus group which was conducted in a community space in downtown Guelph. The two hour focus group consisted of questions on the following topics (see Appendix A for focus group question guide):
The focus group was tape-recorded with permission of the participants and later transcribed by the researchers for qualitative data analysis.

A total of 4 people, who were unable to attend the focus group, participated in phone interviews. Phone interviews were conducted by the researchers during a time that accommodated each participant’s schedule. Interviews ranged between 20 to 30 minutes. Written notes were taken by the researchers during the phone interviews for qualitative data analysis.

RESULTS/FINDINGS

This analysis is based on the focus group and phone interviews conducted with community members regarding their perspectives of introducing a mediation service to Guelph and Wellington. This section is presented according to the structure of the questions asked during the focus group and interviews, and by themes that emerged during the analysis. We begin this section by presenting general perspectives of how community members in Guelph-Wellington view mediation before exploring more specific questions around how a mediation service can benefit the City and County, and the types of obstacles people may encounter in accessing a mediation service.

General Perspectives of Mediation

When asked about mediation, participants viewed mediation as a positive, empowering, non-punitive, and flexible problem-solving process for the community. One participant described mediation as “working with the parties [and community] to re-establish relationships and find a way to work together and resolve issues”. Mediation was viewed by participants as having many positive characteristics including the following:
Mediation can be used for a wide variety of social conflicts

- Mediation is an alternative to the court system that is less costly and potentially faster
- Mediation provides communities with tools to resolve conflict
- Mediation is a collaborative way to work with people and the community
- Mediation can empower individuals and the community
- Professional mediators are well trained and have credibility with their skills
- Mediators are impartial when addressing and resolving conflict

Types of Conflict and Current Methods of Conflict Resolution in Guelph-Wellington

Given the diverse range of backgrounds, participants were asked to describe the types of conflicts that they commonly encounter in their line of work. The main areas of conflict participants noted they encounter in Guelph and Wellington were the following:

- Municipal by-law infractions
- Neighbourhood conflict around lifestyle differences (examples provided included parking, noise complaints, garbage disposal, property maintenance)
- Land development applications
- First Nations land use
- Tenant and Landlord disputes (examples provided included assault, illegal drug use, and noise complaints)
- Elder care responsibilities
- Family conflict (examples provided included rights and access to children, parent and teen relationships, and co-parenting disputes)
• Workplace conflict
• Commercial work
• Incarcerated youth reintegrating into the community

Participants believed the following methods were currently being used by people living in Guelph and Wellington to resolve conflict: Small claims courts, by-law officers, City Councillors, members of parliament, social service agencies, support workers, hoarding committees, counselling services, elders, churches, and the fire department. A difficulty noted by our participants was the lack of integration and communication between these services in helping people to resolve conflict.

Needs of the Guelph-Wellington Community for a Mediation Service

All 14 participants said there was a need for a mediation service in Guelph and Wellington. One of the main reasons described was having a service that could resolve conflict and increase chances of resolution in a positive way. Introducing a mediation service was also seen as helping to de-escalate problems in a peaceful manner; which was described as important in ensuring people stay connected to their community. Some of the current methods used to resolve conflict in Guelph and Wellington were noted as potentially contributing to people feeling disconnected from their community.

A mediation service was also mentioned by some of our participants as helping to resolve conflicts outside of the legal system. One participant stated mediation could serve as “an automatic alternative for the community to avoid the court system”. The criminal justice system was described by some participants as not being the best method to resolve conflicts around family, neighbour, and landlord disputes. Therefore, a mediation service was seen by many participants as providing an option for people in the community who did not want to go through the legal system which is often costly and time consuming. Conflicts such as behavioural complaints were also mentioned as being more appropriately resolved through a mediation service rather than in court. In addition, a mediation service was described as being a pro-active way to resolve conflict and prevent it from entering the legal system. Participants felt mediation services were a new and growing field that could help with complex social conflicts, as well as support affected parties and the community.
Groups and Services

A mediation service was described as being beneficial to different groups living in Guelph and Wellington. These groups included youth, families, the elderly, neighbourhoods, workplaces, individuals with mental health problems, aboriginal communities, and people living in poverty. A mediation service was also described as benefiting different services in Guelph and Wellington including police services, legal services, and family and children services. Benefits described included having trained mediators helping to de-escalate conflicts and mediators representing a neutral party.

Rural Versus Urban

Rural areas were viewed as having more conflicts related to land disputes compared to urban areas of Guelph and Wellington. This was mentioned as important in the type of training mediators had in providing their services to a rural community. Specifically, it was noted by one participant that mediators would need to be familiar with the community and the area when mediating disputes around land.

Referrals to a Mediation Service

The majority of participants stated they would be willing to refer clients to a mediation service. Participants who stated they were unsure whether they would refer clients to a mediation service described their hesitation based on the sectors they worked for. One example was police services which has specific procedures in handling conflict and the types of referrals that they are allowed to make.

Obstacles to a Mediation Service in Guelph-Wellington

Different obstacles were discussed by participants for people accessing a mediation service in Guelph and Wellington. The main obstacles were rural communities accessing and using a mediation service, awareness of what a mediation service is and does, and the stigma attached to mediation. These obstacles are explored in further depth below.
Rural Communities

Rural communities were seen as encountering more difficulties in accessing or using a mediation service compared to urban communities. The following difficulties for rural communities were mentioned by participants:

- Lack of public transportation to reach mediation service
- Cost of transportation to a mediation service if location is in urban area
- Weather conditions in winter may hinder transportation
- Small communities being aware of which individuals use a mediation service resulting in less confidentiality and privacy
- Greater difficulty in providing awareness to rural communities about mediation services
- Not being aware of the types of conflicts a mediation service offers that may benefit them (such as land disputes)

Suggestions for resolving some of these obstacles included having mediators drive to rural communities in providing their services, having locations for mediation that are easily accessible, and providing greater awareness to rural areas by posting information in rural spaces and buildings.

Awareness of Mediation Services

It was generally viewed by our participants that people living in Guelph and Wellington are currently not aware of what a mediation service is and what it does. Reasons for this lack of awareness included the following:

- Mediation not being part of common language or practice
- Assumptions that services are not free may prevent people from inquiring further
- People thinking mediation is not necessary in resolving conflict
• Service providers not being aware of a mediation service which may prevent them from referring clients

• Lack of education by public on mediation

• Limited outreach about mediation

• People suspicious of a mediation service and how it may affect them (for example how it affects Ontario Disability Support Program (ODSP))

Creating awareness about mediation was seen as critical in whether a mediation service would be successful in Guelph and Wellington. This awareness was described as needing to educate people and services on what mediation is, what a mediation service can offer, and how people can access a mediation service. Organizations and services were also viewed as important to the success of a mediation service depending on their willingness to refer clients.

The legal system was also viewed as being the main preference for conflict resolution by people in Guelph and Wellington. This option was also noted by participants as becoming more popular with lawyers expanding and marketing their private services for conflict resolution. This was viewed by participants as potentially competing with a mediation service in Guelph and Wellington. Therefore, awareness and outreach to the community was described by participants as important for a mediation service to be successful, as well as helping provide information about alternative methods of conflict resolution.

Suggestions for creating awareness in Guelph and Wellington included local farmer markets, agency fairs, providing information online through a website, going directly to organizations and companies, pamphlets, and word of mouth. A mediation service that could build a positive reputation within the Guelph and Wellington community was also mentioned as helping to contribute to greater awareness and use of their service. In addition, using plain language when providing information about mediation that is accessible to the public was described as contributing to greater awareness.

Stigma around Mediation

While it was agreed by participants that people in Guelph and Wellington would use a mediation service if one was provided, stigma attached to mediation was
mentioned as a possible obstacle. This stigma was described as resulting from the following:

- Use of legal language by mediation service (not always accessible to general public)
- Mediation viewed as only helping vulnerable individuals
- Certain cultural beliefs around mediation and involving mediators in private disputes
- People feeling judged by others for using a mediation service
- Lack of understanding of mediation by public

Providing education about mediation was viewed as helping to reduce stigma and increase people’s understanding of how a mediation service can benefit anyone in a community. Participants felt it was also important for a mediation service to gain trust and build relationships with people in the community.

CONCLUSIONS

In this report we presented an overview of how community members in Guelph and Wellington view the introduction of a mediation service. Based on this report a mediation service was described as being needed. It was viewed as benefiting people living in Guelph and Wellington in several ways including resolving conflict outside of the legal system, resolving conflict in a peaceful and positive way, having trained mediators to handle conflict and prevent it from escalating further, and helping people not feel disconnected from their community which can result from more traditional methods of conflict resolution.

However, some concerns were also raised by participants specifically around obstacles that people living in Guelph and Wellington may encounter in accessing a mediation service. Most of these obstacles focused on the large rural population who may have less exposure to information about a mediation service. Transportation, weather conditions, and outreach were also mentioned as difficulties people living in rural parts of Guelph and Wellington may encounter in accessing a mediation service. Other obstacles for both urban and rural areas included the stigma our participants felt was attached to mediation which could
prevent individuals from using a mediation service. Suggestions for reducing this stigma included using alternative words for mediation and helping to educate and provide awareness to the Guelph and Wellington community.

Overall, our participants viewed mediation as a positive approach to resolving conflict within their community. Specific needs of Guelph and Wellington, such as rural areas, were described as important when considering how to adapt a mediation service to these areas. In creating a successful mediation service for Guelph and Wellington, outreach and awareness were noted as the most important aspects of introducing a mediation service.

Limitations of the Report

Limitations of this report include a small sample size of 14 participants. While there was a diverse range of participants based on the sectors, organizations, and companies they represented, a larger sample may have provided additional perspectives. These additional perspectives could have given more insight into introducing a mediation service to Guelph and Wellington that may not have been captured in this report.
APPENDIX A: FOCUS GROUP QUESTIONS

Opening:
1. What’s your name and what organization or group do you represent?

Introductory/General Questions:
2. Have you ever heard of restorative justice?
   - If yes, how would you describe restorative justice?
   - If no, what is your best guess in what restorative justice is?
3. How would you describe mediation?
4. Are you familiar with mediation services?
   - If yes, what do you know about them?
   - If no, have you heard of them before?
5. Have you ever used a mediation service?
   - If yes, what services have you used?
   - If you haven’t, would you consider using mediation services?
6. What do you think are good characteristics of a mediation service?
   - Are there any bad characteristics you can think of?

Specific Questions for Guelph-Wellington:
7. In your opinion what do you think are some of the common methods people in the Guelph-Wellington community use to resolve conflict?
   - What are the main types of conflict you deal with within your line of work? (Probes: intimate partner, family, neighbours, youth, etc.)
8. What are your perspectives on a mediation service in Guelph-Wellington?
   o Do you think a mediation service is needed? Why or why not?
   o What do you think the role of a mediator is?
   o Do you think there would be differences in a mediation service serving urban versus rural areas in Guelph-Wellington?
   o Do you think there would be differences in mediation services for youth vs. adults vs. the elderly?

9. Do you think people and services/companies in Guelph-Wellington are aware of what a mediation is/does?
   o Do you know of any specific programs/services aimed at mediation?

10. What obstacles do individuals encounter in getting or receiving services?
    o Are there different obstacles in rural compared to urban communities?

11. Do you think a mediation service would benefit the Guelph-Wellington community? (Probe: elders, families, workplaces, neighbours, youth, students?)
    o If yes, who do you think it could benefit and how?
    o If no, why do you think so?

12. What are some things you think a mediation service could address in Guelph-Wellington region?
    o Are there specific needs/problems in the Guelph-Wellington community?
    o Would you be willing to refer clients to a mediation service that was offered in Guelph-Wellington?
13. Do you think people, organizations, companies in Guelph-Wellington would use a mediation service? Why or why not?
   - Where would you utilize these services specifically?

Ending:

14. Do you have any remarks, suggestions or additions in things we have yet to discuss that you think is important?