

University of Massachusetts Boston

ScholarWorks at UMass Boston

Massachusetts Office of Public Collaboration
Publications

Massachusetts Office of Public Collaboration

Summer 8-25-2023

Addressing Barriers to Diversity, Equity, and Inclusion in Massachusetts Community Mediation

Madhawa Palihapitiya

Shino Yokotsuka

Karina Zeferino

Jarling Ho

Follow this and additional works at: https://scholarworks.umb.edu/mopc_pubs



Part of the [Dispute Resolution and Arbitration Commons](#), and the [Social Justice Commons](#)

Addressing Barriers to Diversity, Equity, and Inclusion in Massachusetts Community Mediation

FY2023 Report

August 2023

Massachusetts Office of Public Collaboration

John W. McCormack Graduate School of Policy and Global Studies

University of Massachusetts, Boston



**Addressing Barriers to Diversity, Equity, and Inclusion
in Massachusetts Community Mediation**

Authored by

**Madhawa Palihapitiya, M.A., Associate Director, MOPC
Jarling Ho, JD, Program Manager, MOPC
Shino Yokotsuka, M.A., Research Assistant, MOPC
Karina Zeferino, M.A., Research Associate, MOPC**

**Massachusetts Office of Public Collaboration
University of Massachusetts Boston**

Published August 2023

This report presents over three years of systematically engaging, documenting and analyzing the diversity, equity and inclusion (DEI) needs/gaps and assets of state funded community mediation centers in Massachusetts. The report was compiled by researchers and an in-house DEI expert at the statutory state office of dispute resolution, the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston. The office has been serving as a neutral forum and state-level resource for over 30 years.

The report is based on qualitative research that falls into the category of community based participatory research conducted through a series of community listening sessions organized and facilitated by seven community mediation centers from 2021 to 2022 involving residents from Cambridge, Framingham, Lowell, Lynn, Vineyard Haven, Greenfield, and Leominster in Massachusetts. The report also contains a literature review of diversity, equity and inclusion research, particularly on nonprofits and DEI in mediation/ADR. This research offers findings for Massachusetts community mediation to increase diversity, equity and inclusion and offers recommendations that are broadly applicable for all community mediation systems interested in developing their own DEI systems across the globe.

The Massachusetts Office of Public Collaboration would like to acknowledge the efforts of the community mediation centers in Massachusetts who convened and facilitated the listening sessions and the community members who participated in the listening sessions, providing valuable input on DEI needs. MOPC would also like to thank the reviewers for reviewing this report.

Reviewers

Reyes Coll-Tellechea, Ph.D., Professor, Department of Latin American & Iberian Studies, UMass Boston
Robyn Weinstein, JD, Director, Cardozo Mediation Clinic, Benjamin N. Cardozo School of Law
Susan M. Jeghelian, JD, Executive Director Massachusetts Office of Public Collaboration (MOPC)
Rosalind Cresswell, B.A., Director of Community Mediation Programs, MOPC

For further information contact:

**Massachusetts Office of Public Collaboration
University of Massachusetts Boston
100 Morrissey Blvd., M-1-627, Boston, MA 02125
Tel: 617.287.4040
Website: www.umb.edu/mopc**

Table of Contents

Introduction	4
Executive Summary	6
Summary Findings and Recommendations	8
Literature Review.....	13
Best Practices	28
Methodology	34
Findings	36
Recommendations	54
Appendix A: Definitions of Terms.....	57
Appendix B: Instruments and Metrics for Evaluating DEI.....	59
Appendix C: Approaches for Promoting DEI in Evaluation	62
Appendix D: Detailed Methodology	66
References	106

Introduction

"There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights..."

-United States Institute of Peace, Necessary Condition: Access to Justice

The Massachusetts Office of Public Collaboration (MOPC) is the statutory state dispute resolution office that administers the Community Mediation Center Grant Program (CMC-GP). The purpose of the Grant Program is to broaden access to justice by supporting qualified community mediation centers (centers) that deliver affordable mediation and conflict resolution services through trained volunteers to community members, particularly for low-income, unserved/underserved and/or marginalized populations, in all 14 counties of the state. As part of the establishment of the grant program, in 2012 MOPC, together with centers, developed a 12-point model of community mediation to ensure access to justice. Integrated in the 12-point model are characteristics emphasizing diversity, as promoting diversity may discourage unequal access to justice. Some of the points in the 12-point model of community mediation that relate to the value of promoting diversity include: ¹

- Building the capacity of community members who reflect the diversity of the community to serve as center mediators and other conflict resolution practitioners
- Involving community members in center governance and center development (including fundraising) as staff, volunteers, board members, and partners
- Providing mediation, education and other conflict resolution services to all segments of the community and striving to increase their inclusion in conflict resolution services
- Establishing collaborative community relationships with other service providers to meet the needs of the community

In early 2020, MOPC met with each center to discuss diversity, equity and inclusion: what it meant for their organization, their vision, and where they were in realizing that vision. Through these meetings, it became clear that centers were experiencing similar challenges in 1) having a diverse board, staff, and volunteers; 2) retaining people (either staff, board, or volunteers) from communities of color and/or marginalized communities; and 3) providing accessible services to underserved communities. In these same meetings, centers shared their past approaches to recruiting and retaining volunteers, including volunteer mediators and board members. These included providing scholarships, stipends, or fee waivers for mediator trainings, reimbursements for transportation/parking costs, and stipends for mediating cases. While these specific approaches helped diversify the participants in mediation training, they did not result in a diversified volunteer mediator pool or board. Centers also discussed challenges in outreach and

¹ The research project was developed based on a prior version of the 12-point model. It was updated in 2023 to reflect the current practices at the centers.

marketing – that efforts to reach different communities were not successful either in recruiting or increasing inquiries for services. These meetings uncovered what appeared to be a gap in knowledge or understanding as to the true underlying causes for the challenges in recruiting, retaining community members, and providing services to underserved and marginalized communities.

Based on the initial learnings, MOPC developed a research project based on a series of community listening sessions to systematically study and address barriers to diversity, equity, and inclusion and to increase community mediation services. The approach was to:

- Collaboratively design the project and engage communities through center outreach, set up and hold community listening sessions, jointly investigate and develop responsive policies or programs, and manage other administrative tasks for the project
- Fulfill required research functions to lay the groundwork for policy and programmatic adjustments by recording, transcribing, and analyzing the qualitative data from the community listening sessions
- Create a shared space for group learning on the findings and recommendations and cultivate continuous learning and improvement through establishment of a DEI community of practice (CoP) among centers

Seven Massachusetts centers organized these listening sessions across the state in Cambridge, Framingham, Lowell, Lynn, Vineyard Haven, Greenfield, and Leominster. The listening sessions were for racially, culturally, linguistically, and economically diverse groups from the Brazilian, Hispanic, Cambodian, and Black communities. Listening session participants were invited by their local Centers.

MOPC's research team members included Associate Director Madhawa Palihapitiya, Program Manager Jarling Ho, Graduate Research Assistant Shino Yokotsuka and Research Associate Karina Zeferino. The project was piloted through an award from the Public Service Grant from the University of Massachusetts Boston which was instrumental in organizing and implementing several key activities of the research project, with supplemental funding provided through MOPC's CMC-GP appropriation.

Executive Summary

The American diversity, equity, and inclusion (DEI) field grew out of the 1950s' Civil Rights Movement, the Women's Rights Movement of the 1960s and 1970s and with the emergence of equal employment laws and affirmative action. While initiatives such as diversity trainings and hiring tests were implemented among many corporations to be more inclusive and ethical in their hiring and employment practices, they were still viewed as mandatory programs rather than valuable business practices. Attitudes towards DEI practices in the corporate world began to evolve as education around the purpose of these initiatives increased. Today, companies have DEI initiatives built into their hiring, human resources, and overall business practices. DEI has expanded over time to include identities other than race, including gender, sexual orientation, veteran status, and more.

In 2020, events like the George Floyd murder, the presidential elections, the COVID-19 global health crisis and economic uncertainties all served to inform the direction of diversity and inclusion initiatives for many nonprofit organizations. According to experts, there was a 56.3% increase in job postings within the DEI field between September 2019 and September 2020, and this number continues to rise.

Nonprofit organizations are in an ideal position to influence the transformation of workplaces because their role focuses on highlighting all forms of discrimination and injustices, and because they employ individuals who are at the forefront and are deeply affected by many of the social challenges they are trying to solve.

Community mediation was added to the roster of conflict resolution strategies during the 1970s in response to increasing mobility and urbanization accompanied by a rise in urban conflict and increasing costs and overloading of the court system. Community mediation centers in Massachusetts are non-profits and became pioneers in the community mediation movement with the establishment of the Dorchester Urban Court Program in 1975. Massachusetts community mediation has been funded by the state dispute resolution office (MOPC) through a specialized state-sponsored grant program since 2012 to increase access to justice, particularly for low-income individuals who face challenges in obtaining legal services and the benefits of the judicial process. Although community mediation has the potential of empowering people, it is still largely racially and culturally homogeneous in Massachusetts.

Hence, in 2020, MOPC set out to investigate ways to further diversify community mediation and make it more equitable and inclusive through a qualitative study around a series of listening sessions from January 2021, through August 2022. The study resulted in several key findings such as the lack of power to participate in community mediation, which includes undocumented status and associated economic marginalization, as well as barriers to participation such as trust, language, and culture, which hinder access to justice for marginalized and unserved/underserved

communities in Massachusetts.² The process of marginalization starts with power disparities, which participants indicated are closely intertwined with the undocumented status of immigrants who can benefit from community mediation as a dispute resolution and access to justice mechanism. Participants from the listening sessions also indicated that gender plays a crucial role in creating power disparities. Community listening sessions conducted in Massachusetts also revealed within-group cultural, racial, and ethnic differences in some communities, which may or may not affect mediation.

A systematic analysis of assets led to the identification of various resources, knowledge and capacities within community mediation centers and the communities they serve that can be leveraged to address the gaps identified in the study. Centers have significant capacities to help their community members build, develop, improve, and implement various conflict resolution programs and skills that are aligned with community needs. Participants in this study also indicated significant community capacities to diversify community mediation and make it more equitable and inclusive.

As the findings indicate, the underutilization of community mediation by marginalized groups is far more complex than one can imagine, embedded in structural and societal inequality. Various structural barriers are closely intertwined with each other, preventing traditionally marginalized populations from utilizing community mediation services as a mechanism for access to justice. While it is challenging to change social structure, it is important to start brainstorming where community mediation centers can possibly improve, analyzing the gap between what they already have (assets), or what they do not have (deficits) and where they would like to be in the next 5-10 years (vision). Smaller but incremental steps must be taken to address more systemic issues like power and economic marginalization, while more immediate steps like increasing cultural awareness and collaborating with organizations serving marginalized populations can be made to great effect. These steps would not only increase access to justice through community mediation but make them more sustainable over time.

The following report is organized into several sections. The *Summary Findings and Recommendations* provide a quick glimpse at the key findings from the literature review and community listening session data and analysis. The *Literature Review* section covers the

² Evidence from this study indicate that ADR utilization in the Massachusetts Trial Court can be further improved. Currently, in many court departments, ADR utilization is low. This is due to many reasons including varying degrees of ADR awareness among court personnel, attorneys and the parties themselves, party choice, and the availability and capacity of ADR providers. According to survey results, ADR is often used in the District Court (54%) (n=6) and the Probate & Family Court (50%) (n=4). The Juvenile Court refers ADR often as well (25% of the time or n=1). 100% of the survey responders from the housing court (n=2) and the land court (n=1) indicated ADR referral to be not applicable. Interestingly, 27% of the responders from the District Court (n=3) also identified ADR referral to be not applicable. Palihapitiya, Madhawa; Jeghelian, Susan; and Eisenkraft, Kaila, "Using Court-Connected ADR to Increase Court Efficiency, Address Party Needs, and Deliver Justice in Massachusetts" (2019). Massachusetts Office of Public Collaboration Publications. 23.
https://scholarworks.umb.edu/mopc_pubs/23

proliferation of DEI, and nonprofit and community mediation DEI literature while the *Best Practices* section lays out useful considerations for DEI in community mediation. The report includes a detailed *Methodology* section and detailed *Findings* in the latter sections and in the *Appendices*.

Summary Findings and Recommendations

Findings from the study can be summarized as follows:

1. **Community members have limited knowledge about mediation and the types of services offered by community mediation centers.** The opportunity for community mediation is considerable, but, due to lack of awareness, mediation is underutilized.
2. **The utilization of mediation may be affected by cultural conditions that manifest through fears of discussing personal matters with mediators who are deemed strangers.** Different cultures perceive conflict management and mediation differently. Neutral third-party intervention is perceived negatively in some cultural contexts.
3. **Centers have striven to be accessible, inclusive and reflect the communities they serve, with mixed results in attracting and serving non-White communities.** Centers have implemented measures to recruit individuals from diverse communities, but have struggled with retaining such volunteer mediators, board members, and staff. However, as a predominantly volunteer driven service, community mediation continues to attract more privileged groups to volunteer because their economic, social, and cultural resources enable them to engage in volunteering.
4. **Language is a significant barrier for certain marginalized communities' participation in community mediation.** Community mediation services in Massachusetts are delivered primarily in English, which discourages those who are not fluent in English from utilizing this service. While some participants had no difficulties communicating in English fluently because of their educational background, the data indicates that not everyone in these communities that participated in the listening sessions are as skilled in English, educated and/or privileged, which are all factors that exacerbate the language barrier.
5. **Establishing trust and forming relationships via partnerships with local organizations and word of mouth in communities can increase awareness of mediation.** Local partner organizations like immigrant-focused organizations are asked by clients to help them resolve conflicts and often they do intervene. If staff are trained to mediate, they increase their skills in supporting clients to resolve conflicts and raise community awareness of mediation.

6. **Certain marginalized communities face structural inequalities due to their legal status which result in economic exploitation and further marginalization.** The disparity in legal status affects the economic status, gender, and education of community members. Undocumented status bars them from achieving economic security, leading to greater exploitation that often results in longer workdays for low pay. Some employers refuse to compensate undocumented employees, and landlords can forcibly evict undocumented tenants. A lack of awareness of rights can further exacerbate the situation where employers and landlords have the power to exploit such populations.
7. **A male dominated culture and gender divisions of labor limit women's social and economic activities, including participation in community mediation.** Strong patriarchal tendencies in some communities can pressure women to accept a traditional role as a caregiver especially when their households cannot afford to pay for childcare, resulting in the economic vulnerability of women. The situation seems far worse for undocumented women who have even fewer choices. This then can affect their involvement with community mediation.
8. **Inter- and intra-group conflicts exist within immigrant communities in addition to general discrimination.** Immigrants may face discrimination from U.S. citizens due to the false belief that they are taking their jobs. Additionally, fused with educational, legal, economic and gender statuses, within-group differences can also generate power disparities creating further disadvantages for community members like exploitation by the more powerful and privileged among them.
9. **Marginalized communities find it difficult to engage in activities outside of work, like community mediation, due to their limited resources.** Participants indicated that they are unable to commit to mediation training (average of 32 hours in Massachusetts) due to economic and time constraints.
10. **General needs identified in the study include access to healthcare, education, financial support, and information regarding where people can go for help.** Community members voiced a wide range of community needs such as childcare services, housing assistance, utility/rent/unemployment assistance, access to technology, mental health support, support to resolve conflicts in schools, nutrition education for children, immigration assistance, and assistance to pay for funerals and for the care of the differently abled.
11. **Centers have various assets in the form of resources, knowledge and capacities that can be leveraged to address the gaps identified in the study.** Centers involved in this study have also demonstrated that they have significant capacities to help their community members build, develop, improve, and implement various conflict resolution programs and skills that are aligned with community needs. Examples include programs

such as housing mediation to address evictions; trainings such as conflict management skill-building for domestic workers; other services such as conflict coaching and facilitation for groups serving marginalized populations; and financial support such as basic mediation training scholarships and stipends aimed at diversifying mediator pools. Another key emerging asset of community mediation is the move currently underway to diversify center leadership and staff.

12. **Centers also leverage key community resources to increase community mediation utilization.** The sessions revealed that there are local organizations with bilingual staff who can translate, advocate, and increase awareness of community mediation. Additionally, such organizations have indicated an interest in their staff and community members to be trained in mediation and other conflict management skills. Other assets identified include organizations supporting communities with legal and essential services like filing unemployment paperwork, local youth organizations and local religious organizations and congregations.

Findings from the literature review can be summarized as follows:

1. **Research on non-profit organizations demonstrates the need to increase the diversity of non-profit board membership,** which in general is likely to be comprised of wealthy older White adults whose social networks consist of White people, creating an issue of board diversity. Conversely, research also suggests that community mediation center board diversity can help centers develop diverse funding opportunities overtime.
2. **DEI initiatives are crucial for combating social inequality as they seek to improve the status of disadvantaged groups.** DEI efforts can increase the representation of historically disadvantaged groups in an organization, resulting in an increasing percentage of positions, resources, and power distributed to members of disadvantaged groups.
3. **DEI initiatives extend outreach, create a healthier workplace and result in more qualified staff,** which encourages non-profit staff to build meaningful connections, achieve organizational goals and increase the impact on target communities and local partners.
4. **Sufficient attention has not been paid to the voices of non-English speakers in the field of ADR,** and without the presence of bilingual mediators or staff, these groups are not able to utilize community mediation services effectively. The root cause of this issue is structural because the issue of language is caused by a lack of awareness and sufficient resources to offer support to non-English speaking people as well as deaf and blind individuals, including training for staff.

Recommendations from the study that can be universally adopted can be summarized as follows:

1. Centers should have a comprehensive set of written DEI policies that touch upon all aspects of their organization and operations. Other best practices include promoting DEI

at all levels and continuous efforts for self-reflection with an explicit, intentional commitment to advancing racial equity.

2. If community mediation centers are at an earlier stage of DEI work, they should strongly consider adopting a theory of change, identifying key change agents, and developing a strategy for managing organizational change to ensure that their DEI work is impactful and sustainable.
3. Centers must develop actionable DEI strategies that produce real results in communities, which includes clear, measurable, actionable, timebound and accountable steps.
4. Community mediation centers should establish new partnerships and/or continue to strengthen existing community partnerships with local organizations serving unserved/underserved and marginalized groups who have built trust and relationships with those communities to increase community mediation utilization as a community dispute resolution resource and an access to justice mechanism.
5. Effective marketing strategies by community mediation centers are crucial for reaching marginalized and underserved/unserved communities and increasing awareness of community mediation.
6. To build a strong online presence, community mediation centers should review their website to ensure it is professional, easy to navigate, and mobile friendly by including information about their mediation services, as well as their credentials, experience, and testimonials from satisfied clients. To make websites more accessible, Centers can, for example, include content in multiple languages.
7. Centers must reexamine their outreach materials and tools from a DEI lens to ensure that these are accessible and welcoming to all. This might mean providing information in ways that can be accessed by people with disabilities and/or in multiple languages.
8. To increase access to community mediation, centers must not only continue to provide free services and training, but also increase language diversity among staff, and work to build trust and form stronger relationships with the diverse populations in the communities they serve through organizations serving diverse groups.
9. Appreciating pre-existing and more culturally responsive community-centered dispute resolution approaches, particularly within immigrant or indigenous communities, centers may have to consider developing and/or incorporating more culturally appropriate mediation practices and/or approaches over time to serve culturally diverse populations.
10. Community mediation sponsors and funders should continue funding and provide practical support for the efforts of centers in all the above areas. This can be achieved through specially targeted funding aimed at strategic change as well as general operational support for items like making training and services more accessible.
11. Community mediation centers should promote greater outward DEI through a concerted effort to reach out to marginalized communities, amplify the voices of community members, and partner with other organizations.

12. To support effective long-term outward DEI, community mediation leaders should consider co-creating a vision of community mediation that centers the voices, needs, and strengths of those most impacted by the services through a broad visioning process involving multiple stakeholder groups.

For more details, please see the *Findings* and *Recommendations* beginning on pages 37 and 55 respectively.

Literature Review

History

The American diversity, equity, and inclusion (DEI) field grew out of the 1950's Civil Rights Movement (Beavers, 2018) and the Women's Rights Movement of the 1960s and '70s (Dong, 2021). More formal diversity training and initiatives began to be widely implemented in the American workplace in this period with the emergence of equal employment laws and affirmative action as a response to racial discrimination in the United States (Zeponi, 2022). While initiatives such as diversity trainings and hiring tests were implemented among many corporations to be more inclusive and ethical in their hiring and employment practices, they were still viewed as mandatory programs rather than valuable business practices. Attitudes towards DEI practices in the corporate world began to evolve as education around the purpose of these initiatives increased. Today companies have DEI initiatives built into their hiring, human resources, and overall business practices. DEI has expanded over time to include identities other than race, including gender, sexual orientation, veteran status, and more. As Beavers (2018) argues, DEI has evolved over time, as the "narrative shifted from mere toleration to recognition, and now to valuation" (p. 5).

On a societal level, DEI initiatives are crucial for combating social inequality as they seek to improve the status of disadvantaged groups (e.g., women, racial/ethnic minority groups) (Iyer, 2021). More specifically, a central aim of DEI policies is to increase the representation and power of historically disadvantaged groups in an organization. If these efforts are successful, an increasing percentage of positions and resources as well as power will be distributed to members of disadvantaged groups, therefore changing the culture of an organization. Such DEI policies are controversial, because people disagree about whether they are necessary and what their (positive and negative) consequences may be. Opposition can be particularly fierce from people who belong to advantaged groups that benefit from the status quo (e.g., men, racial/ethnic majority groups). Given the power exerted by advantaged groups, their opposition can undermine the successful implementation of DEI policies, thus resulting in continued inequality, wasted resources, and potential for tension in the organization.

In the past three years, there has been an exponential rise of DEI efforts among America's largest corporations. In 2020, racial events like the George Floyd murder, the presidential elections, the COVID-19 global health crisis and economic uncertainties, all increased a sense of urgency to implement diversity and inclusion initiatives for many nonprofit organizations (Witwer, 2021). Jane Kellogg Murray, a senior editor for Indeed, explains that there was a 56.3% increase in job postings within the DEI field between September 2019 and September 2020 (2022). This reveals an increased commitment to DEI as jobs and full departments are being created to improve and develop the DEI practices of a business.

Importance of DEI in NPOs

Non-Profit Organizations (NPOs), or organizations that do not pay out profits, are the voice of the community, and they play a vital role in highlighting the state of the community they serve (National Council of Nonprofits, 2018; Witwer, 2021). According to Urban Institute's National Center for Charitable Statistics (2020) there are 1.54 million NPOs in the United States, meaning that NPOs are a major force in modeling the ideal workplace. NPOs are in an ideal position to influence the transformation of workplaces because their role focuses on responding to all forms of discrimination and injustices (Witwer, 2021). NPOs employ individuals who are at the forefront and are deeply affected by many of the social challenges they are trying to solve.

It is crucial that NPOs keep DEI focused at the very top level of the organization, and thus make it a priority to sustain and maintain DEI and work to embed it throughout the organization. This includes prioritizing inward and outward DEI. Inward DEI refers to “diversity, equity, and inclusion in the workplace, meaning that nonprofit leaders utilize these values in their hiring decisions, human resource initiatives, and general workplace practices,” while outward DEI refers to “the way a NPO interacts with their supporters, clients, and partnerships” (San Diego Foundation, 2021). Incorporating DEI outwardly places a greater focus on the organization’s goals and outreach within the communities they support. This means making a concerted effort to reach out to marginalized communities, elevate voices outside of the workplace, and partner with other organizations who share these principles.

According to The San Diego Foundation (2021) there are several reasons why diversity, equity and inclusion processes are so important for nonprofits both internally and for reaching systematically marginalized communities. First, DEI initiatives extend outreach. As a nonprofit, the main goal is to reach as many people as possible and by having a diverse team, equitable practices and inclusive messaging, nonprofits can significantly broaden their reach and increase their chances of success. Second, DEI initiatives create a healthier workplace. Team members want to feel heard, understood and appreciated and creating a more comfortable work environment for everyone results in strong team relationships, less conflict in the workplace and higher levels of productivity. Lastly, DEI initiatives and policies result in more qualified staff. Encouraging diversity, equity and inclusion among staff increases successful recruitment and retention of the most qualified person for the job. By widening the pool of applicants, organizations can diversify their staff to better reflect those they serve.

Leo Pedraza from LinkedIn for Nonprofits (Pedraza, 2021) similarly argues that when nonprofits actively prioritize DEI, employees feel more encouraged to build meaningful connections and achieve organizational goals without limitations. As Pedraza argues, when employees feel that their individual identities are not only accepted, but genuinely celebrated by their workplace, they are more likely to contribute to the nonprofit’s cause and strive for greater impact. The way that NPOs uplift their employees also directly impacts how they interact with target communities and local partners. An employee that feels a sense of belonging will be able to advocate for their

organization more confidently, helping to reach a greater number of people who may need their services and assistance.

The Gap Between NPOs' Duty to Serve Diverse Populations and Their DEI Status

According to various researchers, a vital purpose of establishing NPOs is to serve marginalized communities and populations who are typically excluded from formal governmental services (Hom, 2022; Pugh, 2021). For example, in Jeffrey Pugh's book, *The Invisibility Bargain: Governance Networks and Migrant Human Security (2021)*, he argues that the presence of immigrants often generates perceived threats by their host communities. Because of the dominant narrative that immigrants steal Americans' jobs and exploit their welfare system, government officials are reluctant to support immigrants formally and directly. NPOs are therefore a useful tool to keep immigrants protected and hidden from the political arena by aiding them without increasing voter frustrations.

In Laureen Hom's article, "The Racial Formation of Asian American Non-Profit Work in Orange County, California," (2022) she argues that due to the rise of Asian immigrants in the West Coast, many NPOs were established in Orange County to improve their marginalized status. In other words, NPOs were established to meet the economic and social service needs of the growing and diverse Asian American communities that were not being met by existing public and private organizations in the country. For instance, minority groups and individuals have benefited from the use of community mediation provided by NPOs to resolve community disputes, which would have never reached court. More specifically, minorities and underrepresented communities are likely to be involved in landlord-tenant disputes, and community mediation is often the best alternative to a legal system where landlords have the institutional advantages of experience and expertise (Weatherspoon, 2011). Even though many NPOs are working to promote racial equity and help marginalized communities and populations, there is a huge gap between their DEI goals and their current DEI activities (Boyarski, 2018). NPOs are far from being diverse, equal, and inclusive as much literature reveals (Boyarski, 2018; Garcia, 2016; Walker, 2019; Will & Valentinov, 2018).

Additionally, although community mediation advocates values such as "community training, social justice, volunteerism, empowerment, and local control over conflict resolution mechanisms," over the last 25 years, community mediation has become "increasingly institutionalized and has undergone various degrees of co-optation in its evolving relationship with the court system" (Coy & Hedeon, 2005, p.405). Adler (1987) similarly argues that when community mediation formalized its relationship with the court system, it became bureaucratized and technique centered, and ultimately lost its flexibility. For example, an analysis of community mediation in three U.S. states by Hartley, Fish, and Beck (2003) revealed that co-optation has occurred along three lines: the regulation of what types of cases can be mediated, the passage of ethics laws governing mediator behavior, and the regulation of who can practice mediation. Additionally, the dependence on the court for funding is a significant issue for centers (Hedeon & Coy, 2000). The dependence on the courts may also limit early intervention and prevention of

disputes by centers and court administrative requirements and regulations may limit the capacity of centers to develop community-based partnerships and programs (Wilkinson, 2001).

NPO Board Diversity

Even though NPO boards play an important role in making high-level decisions that impact marginalized communities and populations, the demographics of NPO boards remain homogeneous and predominantly White (Abzug, 1996; BoardSource, 2021; Boyarski, 2018; Dubb, 2018; Ostrower, 2020; Ostrower and Stone, 2006; Walker, 2019). According to Dubb (2018), even though only 61.3 percent of the American population is White, approximately 84 percent of NPO board members are White. Additionally, 90 percent of NPO board chairs are also White. As Joseph Garcia (2016) argues, board members are typically recruited through the board's social network: Approximately 91% of White Americans' social networks are their fellow White Americans. Furthermore, board members in general are likely to be wealthy older adults whose social networks consist of White people (Garcia, 2016). As a result, more White people are recruited by a racially homogenous board for their board member positions, creating an issue of board diversity. In Sean Thomas-Breitfeld and Frances Kunreuther's article, "Race to lead: Confronting the Nonprofit Racial Leadership Gap," (2017) they find that people of color (POC) believe that NPOs' executive recruiters do not devote sufficient efforts to recruiting a diverse pool of candidate for high-level NPO positions because of their unconscious bias that POC do not fit in with their predominantly White organizations.

The findings of a recent report by BoardSource (2021), similarly reveal the problem that "NPO Boards are disconnected from the communities and people they serve" (p.5). In their research, approximately half (49%) of all chief executives who were interviewed stated that they did not have the right board members to build trust with the communities they serve. Furthermore, executives who were interviewed shared that boards place low priorities on building a diverse and inclusive board with a commitment to equity, understanding the context in which the organization is working, and building relationships within the community that help support and inform the organization's work. Similarly, in John Michael Daley and Julio Angulo's article, they share how these problematic representational patterns of non-profit boards negatively affect their dynamics, stating,

"...if few NPO board members are personally impacted by the board decisions, during board discussions few board members think or speak in the first person when discussing the impacts of board decisions on the groups served, under these conditions the needs and norms of the organization or board can become more central than are the needs of the clients to be served." (2009, pp. 182-183)

Ultimately, the lack of understanding and building trust with the communities and populations they represent generates a serious barrier for serving their true needs. While some scholars argue that there is a negative correlation between board diversity and organizations' performance, as diversity could generate tension, conflict, and disagreements (Daley and Angulo, 1994; Horwitz and Horwitz, 2007), various advantages of diversity within NPOs exist, including, greater

responsiveness to community needs (BoardSource, 2021; Daley and Angulo, 1994). They also include increased cultural sensitivity (Carter et al., 2003; Tervalon and Murray-Garcia, 1998) and higher creativity and inclusive decision making (Bradshaw and Fredette, 2013; Garcia, 2016), and these advantages are articulated by various scholars (Daley and Angulo, 1994; Fredette and Sessler Bernstein, 2019; Saleem et al., 2021).

Studies have demonstrated how organizational diversity may increase linkages assisting in resource acquisition with more linkages generating more resource opportunities. Research suggests that “Through a more diverse board, a NPO can increase the scope of its referral sources, its funding sources, and its collaborative activities” (Gazley, Chang, and Bingham, 2010, p 613). Community mediation performance may benefit from more aggressive efforts to recruit low-income board members, which may require greater incentives to participate in board service. In addition, stakeholder representation on community mediation boards is a relevant measure of measuring organizational effectiveness and stakeholder diversity may add to the collaborative capacity of centers (Gazley, Chang, and Bingham, 2010).

Furthermore, the data suggests that POC are excluded not only from board positions, but also from NPO leadership positions. Thomas-Breitfeld and Kunreuther (2017)’s research suggests that POC are excluded from leadership positions due to the perception that they do not have leadership potential. 84% of POC, as well as 74% of White respondents said they strongly agree that “One of the big problems in the nonprofit sector is that leadership of nonprofit organizations does not represent the racial/ethnic diversity of the U.S.” (p. 16). Similarly, 71% of POC and 62% of White respondents strongly agree that “Predominantly white boards often do not support the leadership potential of staff of color” (p. 17). Finally, 66% of POC as well as 48% of White respondents strongly agree that “Organizations often rule out candidates of color based on the perceived fit of the organization” (p. 17). Through Thomas-Breitfeld and Kunreuther’s survey, Boards of Directors and executive recruiters are identified as key barriers to hiring more POC for leadership positions. While the research reveals that POC are “as ready as whites to take on leadership roles” (p. 2), they are prevented from obtaining such leadership positions because of unspoken and unconscious biases of those with hiring power, failing to fairly assess, recognize, and value POC’s leadership potential. This explains why NPO board and leadership positions remain racially and culturally homogeneous, as they are excluded from high-level decision-making processes.

Structural Barriers Preventing NPOs from Advancing Diversity

Many scholars argue that the lack of diversity in NPOs is a systemic issue (Boyarski, 2018; Daley and Angulo, 1994; Garcia, 2016; Thomas-Breitfeld and Kunreuther, 2017). For instance, in Luisa Boyarski’s article, “Advancing Racial Equity within Nonprofit Organizations,” (2018) she demonstrates that internal and external structural barriers exist and thus hinder leadership diversity in NPOs. The author lists four internal barriers: nonprofit history, lack of board commitment, prioritization, and lack of common language. As for nonprofit history, the historical processes, procedures, and culture of an organization prevent NPOs from pursuing

racial equity work. NPOs' long history of being predominantly White makes it difficult to challenge the status quo because there are people who benefit from the existing system.

The lack of board commitment to diversity is also a reflection of a structural barrier, preventing NPOs from advancing racial equity (Thomas-Breitfeld and Kunreuther, 2017). As indicated in Boardsource's (2021) report, board members place high priority on fundraising. As Boyarski explains, board members are actors that have strong networks and connections with funders, who are namely privileged, wealthy, and White. Consequently, board members spend more time with "white people with money" to run their NPOs. This results in placing less priority on establishing trust with the communities they serve (BoardSource, 2021). Thomas-Breitfeld and Frances (2017) also argue that this is a systemic issue. As stated earlier, board members tend to be older, wealthy, and White, and their social networks consist primarily of White people. They tend to have a deeply ingrained implicit bias that POC do not fit in with their organizations (Thomas-Breitfeld and Kunreuther, 2017). Their narrowly focused social networks and implicit bias result in a lack of board commitment on advancing DEI.

Additionally, because of limited time and money, NPOs face a series of challenges in prioritizing racial equity work, which is also a reflection of a structural barrier. NPOs must engage in critical day-to-day tasks. Implementing these tasks is essential for them to receive funding. By handling an overwhelming number of day-to-day tasks, NPOs do not have time to focus on racial equity work even if they have the desire to advance racial equity.

Finally, the lack of common language is another barrier for advancing racial equity. In fact, more than 25% of the respondents in Boyarski's study express that a lack of common language to discuss the issue of racial equity is a barrier to advance racial equity. Daley and Angulo (1994) similarly suggest that the strategic use of language could encourage advanced diversity. Organizations that do not have enough money are not able to hire external trainers to advance DEI, and consequently, rely on their staff to pursue DEI goals. However, without having a common language, their staff face difficulties in planning and proceeding with DEI work. Furthermore, Boyarski's research found that NPOs located in rural areas tend to have greater difficulties in finding training and consultants. Due to their isolated locations, these NPOs have limited access to such resources, which is another systemic issue.

In addition to these internal barriers, Boyarski listed four external barriers that are closely interconnected: community demographics, lack of funding, difficulty in finding training and consultants, and limited access to diverse networks/pipelines of talent. Firstly, the communities in which some NPOs operate are not diverse. As exemplified by the issue of racial gentrification, many neighborhoods have experienced a shift in racial composition (Goetz, 2011). Such NPOs face hardships recruiting a diverse pool of people to advance diversity and inclusion. Secondly, funding issues are systemic. Implementing racial equity is costly and NPOs are known for low salaries. According to Boyarski, POC usually cannot afford to work for NPOs, while "privileged individuals such as wealthy retired individuals can hold low-paying jobs without jeopardizing their finances" (p. 27). Hence, there is a vicious cycle: Even if NPOs want to hire POC and retain

them for the long-term, such a significant structural barrier prevents them from hiring and retaining POC, hindering advancement in the diversity of NPOs. In a similar vein, significant inequalities exist in volunteerism as well. While volunteers are essential for many NPOs (Ilyas et al., 2020), there is unequal participation in volunteering (Hustinx et al., 2022). Privileged powerful groups are more likely to volunteer because their economic, social, and cultural resources enable them to engage in volunteering. At the same time, many volunteer organizations see these groups as desirable for their organizations due to their high status (Smith 1994; Wilson and Musick 1997). A third external barrier, difficulty in finding training and consultants, is closely connected with lack of funding. Again, finding training and consultants as well as hiring them are time-consuming and costly. Fourthly, limited access to diverse networks/pipelines of talent is also a significant structural barrier to advance diversity and inclusion in NPOs. As stated earlier, NPOs are racially homogeneous and predominantly White. As a result, even if they are interested in and eager to hire POC, staff and board members do not know where to start. Some NPOs' board members are neither actively cultivating new social networks nor supporting hiring POC because of their implicit bias (BoardSource, 2021; Thomas-Breitfeld and Kunreuther, 2017).

Diversity and Tokenism in NPOs: Beyond Diversity and Inclusion

Some researchers insist on the importance of going beyond diversity and inclusion (Bowland et al., 2022; Saleem et al., 2021). To begin, there are various ways of interpreting the meaning of diversity (Walker, 2019). People in power tend to interpret diversity in the form of tokenism (Boyarski, 2018; Ho, 2017; Walker, 2019). For example, merely recruiting POC as staff members, or a formal leadership position, does not necessarily lead to NPO diversity and inclusion. In Helen Kim Ho's article, "8 Ways People of Color are Tokenized in Nonprofits," (2017) she argues that if an organization simply hires a POC to make them the face of the organization, while a few White staff or board members maintain authority, it is considered tokenism. According to Ho, tokenism is another form of racism. While racism treats a certain race as inferior, so that people in power can exercise their economic and political power, tokenism achieves the same goal while "giving those in power the appearance of being non-racist and even champions of diversity because they recruit and use POC as racialized props" (Ho, 2017).

Additionally, as the report, "Awake to Woke to Work: Building a Race Equity Culture" (2018) argues, "Diversity is often focused exclusively and intentionally on representation of diverse individuals as expressed in numbers and percentages" (p. 6). By focusing exclusively on numerical data, POC's nuanced experiences with personal and professional inequalities are often overlooked. People in power, such as White men and women, create and maintain a "dominant culture" which does not embrace differences beyond representation. To be more precise, dominant culture promotes "assimilation over integration, resulting in a missed opportunity to incorporate other cultures and to create a more inclusive, equitable environment" (p. 10). The report suggests that a race equity culture, which focuses on proactive counteraction of social

inequalities, must be promoted to shift the internal power structure and to overcome challenges imposed by the dominant culture within organizations. Similarly, Bernstein, Aulgur, and Freiwirth (2019) argue that numerical diversity in nonprofit organizations does not guarantee the benefits ascribed to diverse organizations, such as better decision making, increasing creativity and innovation, and enhanced board or organizational operation. Instead, they suggest establishing inclusive boards as they are more sensitive to diversity issues and adopt practices that promote diversification.

Hiring POC for only DEI related activities is similarly problematic because there is an assumption that POC or minority professionals are only skilled in handling the issue of race and diversity, while other “non-racial” projects are perceived to be more suitable for their White staff. Cheryl Jamison (2022) also argues that many DEI initiatives are dominated by White people and marginalized people are often invited to serve/assist such DEI projects because of the belief that all POC are good at representing DEI perspectives. Jamison highlights the possibility of a POC not being interested in DEI at all and wonders if these individuals are given the opportunity to contribute to other areas. In her view, a better approach is allowing the individual to decide their level of interest and involvement. In other words, marginalized people are directly or indirectly forced to think and/or behave like White people do, which creates and maintains an organizational culture that promotes White dominance. Ultimately these researchers highlight the necessity of listening to marginalized people’s voices more seriously and carefully through their lived experiences, going beyond superficial diversity and inclusion.

Additionally, while a vast amount of research focus on binary relationships such as the racial gap between White people and POC, as well as men and women, some research emphasizes the necessity of going beyond race or gender. For example, in Shawna Wakefield and Chloe Safier’s article, “Benchmarking Report Diversity, Equity and Inclusion” they argue that:

An intersectional³ perspective is critical for transcending some of the barriers as more binary approaches to equity and inclusion have failed to transform, creating more nuanced, reality-based recognition of barriers, privileges, and possibilities for more creative and innovative policies, practices and culture initiatives (2019, p. 5).

Similarly, Heidi Hudson (2005) argues that gender is “intertwined with other identities such as race, class, and nationality” (p. 155). While gender is often considered a simple binary between men and women based on biological differences (Cohn, 2013), an intersectional lens argues that gender is constructed with a high level of complexity. Different systems of power and subordination exist including institutionalized racism, social class relations, and gender inequalities, operating together to create further marginalization of certain communities and populations (Collins, 1998; Yuval-Davis, 2006). In other words, people have multi-layered identities that cannot be classified into a simple binary. Such identities that are intertwined

³ Intersectionality, which was originally defined by Kimberle Crenshaw, refers to different forms or systems of oppression, discrimination, or domination that are linked.

generate people's unique experiences. In order to holistically understand what DEI truly means, an intersectional perspective is indispensable (Wakefield & Safier, 2019).⁴

The Problem of the White Dominant Culture and the Need for Cultural Humility

Boyarski (2018)'s research reveals the potential risk of perceived cultural competency. Some people in NPOs are overly confident with their cultural competency, and consequently, assume that they do not need to do anything further to pursue DEI. As Boyarski argues, some NPOs think that "racial equity is part of their DNA, and therefore does not require an explicit focus" (p. 26). This is another problem of tokenism, as they address DEI only superficially without devoting deep and continuous efforts for self-reflection (Ho, 2017). Boyarski argues that an explicit, intentional commitment to advancing racial equity is essential, even if a NPOs' current racial diversity seems to be sufficient. Similarly, the research found that many board members believe that they can represent the needs of POC as White professionals because of their expert knowledge. This demonstrates the false assumption that the cultural knowledge of POC can be mastered.

However, Melanie Tervalon and Jann Murray-Garcia argue that individual limitations in knowledge and skills must be recognized rather than seeing cultural knowledge as something people can master (1998). Culture is dynamic and constantly changing, and therefore, it is a life-long learning process. In this vein, people should have cultural humility, acknowledging individual limitations and humbly learning from others about their culture. Again, as demonstrated in the previous section (Bowland et al., 2022; Ho, 2017; Jamison, 2022), an explicit intentional commitment to advancing racial equity is essential to advancing DEI (Boyarski, 2018).

Community Mediation NPOs and DEI - Access to Justice

Proliferation of Alternative Dispute Resolution

The state is responsible for providing its citizens with access to justice (Davis and Turku, 2011). The state is also responsible for "the individual's right to obtain the protection of the law and the availability of legal remedies before a court or other equivalent mechanism of judicial or quasi-judicial protection" (Francioni, 2009, p. 729) meaning "There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where

⁴ An intersectional perspective and approach is necessary when discussing equity and inclusion work. An intersectional perspective incorporates how multiple identities intersect to influence individuals' and groups' experiences of discrimination and exclusion. By taking this into consideration when discussing equity and inclusion work, this allows for the recognition of the realities of people's lives, rather than assuming that, for instance, all people from any group are the same or that people live single issue lives. It also helps to recognize that in a given context a person may be disadvantaged in one area (e.g., race) and still have privilege in other areas (e.g., education, class).

they do not have information or knowledge of rights; or where there is a weak justice system” (United States Institute of Peace, n.d.).

Alternative dispute resolution or ADR became widely available in the 1990s as a process of increasing court efficiencies and reducing costs to courts (and also parties), and also serving “Parties in disputes both large and small, from international conflicts to neighborhood arguments, ... [taking place] in such everyday settings as schools, churches, and workplaces,” and gaining acceptance by the court system and several administrative government agencies (Plapinger and Stienstra, 1996, p. 3; Stipanowich, 2010). An example of this is an on-line mediation and case resolution program set up by the IRS to deal with taxpayer disputes (Stipanowich, 2010).

Community Mediation

According to the Resolution Systems Institute (RSI), community mediation offers constructive processes for resolving differences and conflicts between individuals, groups, and organizations (RSI, n.d.). Participants control the process and create their own alternatives to avoidance, destructive confrontation, prolonged litigation, or violence. In 1992, a group of community mediation center leaders identified a set of guiding principles that define the practice of community mediation. These hallmarks are used by community mediators to guide their growth and practice. Two years later, from this shared effort, these practitioners created the National Association for Community Mediation (NAFCM). NAFCM was designed to be the national organization supporting the work of community mediation and promoting the use of the nine hallmarks. Community Mediation Maryland also created a non-profit framework for insuring access to mediation services at the community level with control and responsibility for dispute resolution maintained in the community. In 2013, the Massachusetts Community Mediation Center Grant Program, administered by the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston, implemented a Twelve-Point Model for Massachusetts community mediation that drew on previous hallmarks.

1. Provide mediation and conflict resolution services for a range of community needs.
2. Establish collaborative community relationships with other service providers to meet the needs of communities.
3. Offer outreach and learning opportunities about mediation and conflict resolution to communities.
4. Involve community members in center governance and center development (including fundraising) as staff, volunteers, board members, and partners.
5. Provide mediation and conflict resolution services at no cost or on a sliding scale.
6. Deliver mediation and other conflict resolution services in settings convenient to participants including accessible venues and remote options.
7. Schedule mediation and conflict resolution services at a time convenient to the participants.

8. Provide mediation and conflict resolution services at any stage in a dispute - including the early use of such services for conflict prevention and collaborative problem-solving.
9. Maintain high quality mediation and conflict resolution services by providing comprehensive skills-based training, apprenticeships, continuing education, and ongoing evaluation of volunteer mediators and other practitioners.
10. Build the capacity of community members, who reflect the diversity of the community, to serve as center mediators and other conflict resolution practitioners.
11. Provide mediation, education, and conflict resolution services to all segments of the community and strive to increase their inclusion in conflict resolution services.
12. Deliver mediation and conflict resolution services for community-based disputes that come from a wide variety of referral sources.

In MOPC's first year-end report and evaluation in 2013, data revealed community mediation's potential for increasing access to justice for all Massachusetts residents, including low-income populations when following this model (Jeghelian, Palihapitiya, and Eisenkraft, 2013). By striving to increase the number and diversity of volunteers, for example, centers were able to respond to the needs of underserved populations. For instance, one center implemented the Domestic Workers Project, in which the Center, in partnership with the Brazilian Immigrant Center, provided domestic workers such as nannies, housekeepers, and personal care attendants - most bilingual in Spanish, Portuguese, and Haitian Creole - with conflict resolution training. Graduate trainees were mentored to become assistant trainers and coaches. Participation in this training was made more feasible when simultaneous translation and free on-site childcare were offered to trainees. Similarly, one center translated its materials into Khmer and provided training to two Khmer-speaking Cambodian peer mediators.

Increasing DEI in Community Mediation

As mentioned above, a vital purpose of establishing NPOs is to serve marginalized communities and populations who are typically excluded from formal governmental services. In the case of community mediation, many organizations have struggled to serve marginalized communities. Studies have shown that even though modern American ADR has been growing since the late 1970s, there remains racial and ethnic disparities associated with the field of ADR, especially with respect to the underrepresentation of African Americans, Latino-Americans, Asian-Americans, and Native-Americans (Volpe et al. 2008).

The lack of awareness of mediation is one reason for limited community engagement. According to Sidney Riddle (2021), one area where there is a huge demand for conflict resolution as illustrated by the data provided by the Conference of State Court Administrators and the National Center for State Courts is courts. Its report, "The 2018 State Court Statistical Digest," demonstrates that more than 80 million new cases were filed in state courts alone. Even after excluding traffic and criminal cases, there are still more than 15 million civil cases left. In other words, the "market" for community mediation is huge. However, due to lack of awareness, mediation is not utilized to respond to this "demand." Riddle further argues that the existing

dominant culture places more importance on “dispute resolution by contest rather than collaboration.” Many people are only aware of dispute resolution as a system that has a clear winner and loser as represented by litigation, but not by collaborative dispute resolution systems such as community mediation. Similarly, Stoilkovska et al. (2015) suggests that the lack of information regarding mediation contributes to the lack of trust in any dispute resolution system except in the court.⁵

Bieretz and colleagues (2020) conducted interviews with representatives from 14 organizations involved in mediation programming, and their findings revealed that community mediation is underused because general lack of awareness is “a significant barrier to greater use of mediation for dispute resolution” (p. 11). To overcome this barrier, Riddle argues that better marketing strategies are necessary because “mediation simply does not come to mind for most people when faced with a conflict.” Bieretz and his colleagues argue that building relationships with various groups such as landlords, government agencies, and nonprofits can help mediation providers “expand awareness of and access to mediation services, hopefully reaching clients before an eviction is filed” (p. 13). Once strong relationships are built, they can be a great source of referrals for mediation.

Similarly, the use of a language other than English could be a significant barrier preventing non-English speakers from accessing community mediation. In Bernard Nguyen’s (2014) article, “Bilingual Mediation,” he argues that sufficient attention has not been paid to the voices of non-English speakers in the field of ADR. Nguyen defines the issue of language in community mediation broadly, encompassing not only non-English speakers but also people who are blind and deaf. He argues that without the presence of bilingual mediators or staff, these groups are not able to utilize community mediation services because of various challenges associated with the inability to speak English, read the signed contract proposed by another party, and understand what others are expressing verbally. Hunter and colleagues (2022) similarly demonstrate how language barriers prevent access to justice for marginalized populations. According to the authors, non-English speakers are more likely to face unfair outcomes and have limited access to services and support. They further argue that the root cause of this issue is structural because the issue of language is caused by a lack of sufficient resources to offer support to non-English speaking people as well as deaf and blind individuals, including training for staff due to limited resources and awareness.

The RSI recently published a Diversity, Equity, Inclusion and Accessibility Special Topics resource (2021). This resource explores DEI in court ADR programs. Although this resource is not directed towards NPOs administering community mediation, it is nonetheless a useful tool

⁵ The lack of information to marginalized communities can be addressed by a better system of communication of successful mediation practices in certain communities. For example, MOPC has found that through interviews with members of the Brazilian community who have participated in housing mediation, they have learned about mediation through word-of-mouth, specifically success stories from community members.

for any organization that provides alternative dispute resolution, including community mediation. In this resource, the RSI lists steps to fostering DEI in a court ADR program, such as forming a DEI committee, developing a DEI plan, conducting activities related to DEI, such as hosting a regular brown-bag lunchtime conversation series on diversity and inclusion topics, and sharing DEI resources. To learn more about this resource, please see the next section, *Best Practices*.

In addition, the International Institute for Conflict Prevention and Resolution's (CPR) national task force on diversity issued a 2022 diversity commitment that recognized the imperative of drawing upon the knowledge, experience, and talents of all people in preventing and resolving disputes (2022). They also recognized that the field of dispute prevention and resolution has not been nearly inclusive enough in its selection of, and reliance upon, diverse neutrals⁶, despite the fact that ADR practitioners have recognized that individuals providing services should reflect the demographics of the population they serve to ensure parties feel they can trust the neutral third party conducting their ADR process (Volpe et al. 2008).⁷ Therefore, CPR announced its support of greater inclusion of diverse neutrals in their ADR matters. To accomplish this goal, they announced their support for the Ray Corollary Initiative (RCI).

The RCI was launched to drive greater diversity in the selection of neutrals for ADR matters. It recognizes that social science research has demonstrated that, when 30% or more of a final slate of candidates is diverse, the statistical chance of selecting a diverse candidate is disproportionately higher. The RCI thus sets a 30% metric for inclusion of diverse neutrals on any slate from which mediators or arbitrators will ultimately be selected. Diverse neutrals are Black, Latino/a/x, Hispanic, Indigenous, AAPI, other people of color, women, persons of differing sexual orientations and gender identities, and persons living with disabilities. Recent research has indicated, however, that the 30 percent figure is still too low (La Rue, 2021).

This lack of diversity in neutrals is felt profoundly by practitioners, who are at the forefront of this work. As one practitioner shared, when she attended her first event for professional mediators, she noticed that the constituency consisted of mostly white practitioners, seemingly in their forties and older (Low, 2008). She states that “[she] immediately felt the lack of diversity” (Low, 2008, p.267). This young practitioner, who is a woman of color, quickly discovered that there seemed to be few, if any jobs for mediators, especially diverse mediators. Similarly, paid opportunities seemed limited and narrowly advertised. Increasing the diversity of neutrals is crucial as diverse mediator teams are highly valuable, particularly in cross-gender, cross-cultural conflict.

⁶ In terms of neutrality, some have argued that impartiality and neutrality may be unattainable as mediators bring with them social class, ethnic heritage, and professional and political ideologies. Therefore, it is crucial for mediators to come from similar backgrounds to participants (Press, 2011).

⁷ In a 2009 study by Lorig Charkoudian and Ellen Wayne, however, they found that in situations where a participant is left isolated in the face of a racial match between a mediator and the other participant, the mediator seems more judgmental, and the participant is disempowered. Their study recommends that such situations be avoided, even if it means that no racial match is made in a particular mediation.

Current Status and Looking Ahead

Although there is a newfound perception of DEI initiatives as an essential aspect of any business model, DEI programs in the U.S. are still voluntary, meaning that there are no consequences for their effective implementation or standardized measurement of success (Zepponi, 2022). As a result, although many DEI efforts are well-meaning and intended to solve problems of injustice and racism, their implementation has often resulted in unintended consequences, keeping some NPOs from focusing on their mission (McGuigan, 2022). Within the charitable sector specifically, large grantmaking foundations and charities have concentrated on identity classifications to demonstrate they care about problems some face in society. As a result, nonprofits have prioritized meeting diversity quotas, based on immutable physical characteristics, and on training for staff and leadership that emphasizes the divisions within organizations and charities they support. The result – as a nonprofit leader recently told *The Intercept*: “Staff were ignoring the mission and focusing only on themselves, using a moment of public awakening to smuggle through standard grievances cloaked in the language of social justice” (McGuigan, 2022).

Similarly, an article by Qualtrics argues that the DEI strategies of a nonprofit need to be actionable to produce real results. It is not enough to advocate for or claim to be in alliance with DEI ideologies. Nonprofits need to have clear steps in place that are measurable, actionable and keep them accountable for their promises. As Zepponi (2022) argues,

“While many organizations have begun implementing some kind of DEI reporting into their business practices, there is still no consistent, standardized reporting system to ensure all these reports are measuring against similar goals, expectations, and outcomes, so the public is left with much room for interpretation. With no real expectations for ethical and consistent DEI reporting, many organizations have run into the issue of greenwashing or performative activism” (p. 12).

According to Witwer (2021), this is a crucial time for nonprofits to take the lead in providing the framework for achieving a culture of belonging in the workplace. This requires nonprofits to move away from performative DEI and identify ways that they have perpetuated assimilation instead of uniqueness and individualism, exclusionary practices versus inclusion in the workplace and then prioritize making changes. As Witwer argues, when there is intentionality in the approach, the results are increased retention of underrepresented groups within nonprofits. Intentionality builds trust and transparency which allows employees to feel like their opinions matter and that they are valued and respected. By creating space for lived experiences, acknowledging bias, and understanding the historical context of race, nonprofits have a chance to be a leader in shaping DEI and belonging policies in the workplace.

Evaluation of DEI

Measuring the achievement of DEI performance is also a vital consideration. There is currently no standardized measurement of success for evaluating organizational DEI efforts in the United

States. Organizations can, however, examine certain areas to discover whether their DEI strategy is measuring up to certain DEI standards. For example, organizations can measure the amount of dollars allocated to DEI: significant and consistent funding is one way to measure success (Hall, 2022). Similarly, organizations can measure the number of diverse employees across the organization, the percentage of diverse employees in leadership positions, and how long employees stay with the company. Additionally, as the Association for Talent Development argues, mentoring is a proven way to create more inclusive work environments, help employers meet their DEI goals, and increase diverse representation in leadership, therefore organizations can measure these outcomes (Schnieders, 2021). Organizations can also collect data on the number of incident reports, participation in and impact of DEI training, employee experience, and more. More specifically, surveying employees is a great way to let colleagues know their voice is important and collect meaningful data that can be applied towards actionable insights (Mentor Spaces, n.d.).

Please see Appendix A for a list of instruments and metrics for evaluating DEI within an organization.

Promoting DEI in Evaluation

In recent years, there has been an increasing focus on DEI in evaluation with more practitioners grounding their work in equity and providing guidance to other evaluators. Grounding an evaluation in DEI means the evaluation is equity-focused, culturally responsive, competent, and participatory (Tessera, n.d; Stern, Guckenburg, Persson, & Petrosino, 2019). In addition, such evaluation examines structural and systemic barriers that create and sustain oppression. This requires continuous unlearning of old practices and learning of new ones. Questioning, practicing, and reflecting are also important in DEI. Additionally, there has been a growing interest in designing evaluations to counter the power dynamics of traditional approaches to evaluation and to promote equity for study participants and other community members (Dean-Coffey, 2018). Many evaluators argue that an inclusive and equity-focused approach improves the quality and utility of evaluations (Inouye, Yu, & Adefuin, 2005) while others believe that incorporating these principles is a non-negotiable characteristic of high-quality evaluations. For example, in 2011, the American Evaluation Association released a statement declaring cultural competence in evaluation to be “an ethical imperative” and essential for ensuring the validity of evaluation findings. The updated principles outlined in their 2018 *Guiding Principles for Evaluators* drew on concepts of cultural competence and equity in evaluation.

Please see Appendix B for a comprehensive description of two approaches to evaluation that aim to incorporate DEI: Equitable Evaluation and Culturally Responsive Equitable Evaluation (CREE).

Best Practices

In the following section, we lay out some of the “best” or “effective practices” we have mapped from other states for consideration in Massachusetts. The benchmarking of these effective practices is not exhaustive and is aimed as a starting point for further exploring practices that may be suitable for adoption here in Massachusetts.

Inward DEI

Several resources have established comprehensive best practices for advancing DEI in the workplace. For example, in a report by the Equity in the Center, the authors define actionable steps that organizations can take to launch its race equity work (2018). This includes establishing a shared vocabulary; identifying race equity champions at the board and senior leadership levels; naming race equity work as a strategic imperative for the organization; opening a continuous dialogue about race equity work; and disaggregating data to get a clear picture of inequities and outcomes gaps both internally and externally.

Additionally, the State Bar of California (2022) and Just Lead Washington (2020) proposed measures to advance DEI in their workplaces from a review of best practices in inclusion and diversity, along with feedback from DEI leaders and stakeholders in various sectors. These best practices include but are not limited to: (1) creating a more equitable and inclusive organizational culture through activities such as developing policies that promote staff’s sense of belonging (2) recruiting, hiring, and retaining a diverse workforce through activities such as partnering with community-based organization and groups closely connected to or led by POC and other marginalized identities to develop a targeted recruitment plan and (3) empowering staff through activities such as assessing leadership and management skills, interests, and needs of the staff of color and offering regular trainings.

Similarly, researchers Mackenzie and Wehner (n.d.) developed several strategies that will help organizations make their workplaces more diverse and inclusive. For example, they found that change agents must balance their goal of fostering sustainable and realistic change and leaders’ push to show instant results on several dimensions of DEI, such as culture and retention. As researchers argue, “Rather than trying to find a one-size-fits-all solution, change agents need an honest assessment of what is going on in their organizations, one that considers the perspectives of employees across departments and levels, to truly understand the pain points for different groups of employees” (p. 47). Likewise, they found that identifying the right place to start depends largely on understanding the local context and therefore strategies must be adapted to the unique organization structure and context of each organization. In addition to considering organizational structure, it is crucial to identify organizational will and passion to address diversity and inclusion.

Outward DEI

While an abundant amount of literature emphasizes non-profit organizations’ role in serving marginalized communities and populations, there is insufficient data that examines and evaluates

best practices for doing so. The Coalition of Communities of Color and the Center to Advance Racial Equity (CARE), however, reviewed available literature that provides evidence of these best practices (Reyes & Curry-Stevens, 2014). For example, according to Michael Couch (2021), organizational climate and culture can be defined by “The practices and behaviors that exemplify the underlying beliefs, values and assumptions held by members of an organization.”

Organizational culture substantially impacts DEI because it is closely connected with employee engagement and commitment. With a set of policies, vision, and practices that aim to promote DEI, organizations could build a culturally responsive organizational climate and culture (Reyes & Curry-Stevens, 2014). An example of a best practice is to create cross-cultural communication policies and provide training within organizations to enhance interactions and build trust with underserved communities while improving effective relationships and collaboration with community members.

Additionally, research has shown that people get direct experience with organizations when they receive services from them. People might not only face barriers to receiving these services, but they may feel that services do not meet their central needs. Furthermore, organizations’ workers can also directly influence service users’ experiences in the form of respect, inclusion, responsiveness, and trustworthiness. For service-based equity and accessibility, two things are particularly important: language accessibility and integration of cultural perspectives and practices (Reyes & Curry-Stevens, 2014). Examples of best practices regarding service-based equity accessibility with a specific focus on these two elements include: (1) Providing language assistance through competent interpreters at no cost to service users (2) Translating resources and materials into relevant languages to improve awareness of available services (3) Offering training programs to staff that include history, cultural beliefs and values, discrimination experiences, policy barriers, and assessment of biases to increase their cultural sensitivity and (4) Designing services in response to expressed needs by communities.

Practical Application

1. RSI - Diversity, Equity, Inclusion and Accessibility Special Topics (2021)

This resource establishes best practices for improving DEI efforts in ADR programs. First, the RSI argues that programs should ensure that their message is accessible and welcoming to all. This might mean, for example, providing information in ways that can be accessed by people with disabilities or in multiple languages. ADR program staff can start by looking at each touchpoint with the parties, e.g., website, brochures, and other tools such as postcards, phone calls and text messages. Then they can consider how accessible those communications are and how they may be perceived; for example, whether videos include subtitles or downloadable text, photos reflect the diversity of the parties, screen readers can capture whatever is on the website, brochures are printed in languages most used by parties, and fonts and colors are accessible so that all parties can read them easily. ADR staff can then seek input on these communication tools from a DEI committee.

Second, the RSI emphasizes the importance of using inclusive language, which as defined by the Linguistic Society of America (LSA), acknowledges diversity, conveys respect to all people, is sensitive to differences, and promotes equal opportunities (LSA, 2016). When choosing inclusive terminology, ADR programs can use person-first language, which is language that puts a person before their diagnosis or situation and describes a person's disability without defining that person by their disability. For example, when assisting participants who have disabilities, program staff would use terms such as "people who are blind" or "person who uses a wheelchair" instead of "the blind" or "wheelchair bound." Additionally, ADR programs may want to shift to gender-inclusive language. The United Nations defines gender-inclusive language as "Language that does not discriminate against a particular sex, social gender or gender identity, and does not perpetuate gender stereotypes" (United Nations, n.d.). For example, a family mediation program seeking to implement inclusive language might want to change the wording on its forms from Boyfriend/Girlfriend to Significant Other or Partner or consider changing Husband/Wife to Spouse. Similarly, with increasing gender diversity in society, an ADR program may want to be flexible in the gender pronouns it uses. If someone working in an ADR program is referring to an individual whose identified pronouns are not known, they might use the singular "they" to avoid making assumptions about an individual's gender or they might ask an individual which gender pronouns they identify with.

Third, it is crucial that the public have an experience that is welcoming, fair, and accessible when they use an ADR program. One way a program may work to achieve this is to offer diverse neutrals who reflect the parties who use the program. Interested programs might start by examining the demographics of their current roster (including, for example, diversity with respect to age, race, gender, and disability) and comparing it to the parties who use the ADR program. This can help the program identify any potential gaps. To diversify rosters in programs that rely on volunteer mediators, ADR programs might conduct outreach to community groups, houses of worship and other social service agencies. Providing opportunities for volunteers to mediate outside the usual work week may open the program to more participants, too.

Lastly, it is necessary to assess and evaluate DEI initiatives. According to the RSI, assessing DEI initiatives has three levels of depth. They are described in the following hypothetical examples.

A foreclosure mediation program determines that Latinx homeowners are not represented proportionally in the group of homeowners who contact the program, as compared to homeowners overall who are facing foreclosure. The program decides on steps to address this issue, such as enlisting a social services agency to reach out to the community.

The first level of assessment is to monitor progress on the steps taken to address this issue. For example, what outreach was conducted? The second is to determine whether those steps are working. In this case, how many people did the social services agency reach through its efforts? The third level of analysis examines the impact of the actions taken. For example, the program

would examine the race/ethnicity makeup of those who contacted the program after the social services agency began its outreach to see if the percentage of Latinx homeowners increased.

A small claims mediation program becomes aware of an issue when Juan, a self-represented defendant, is referred to his court's mediation program. Juan has received an email from the court about the program that directs Juan to the court's website, which features a video on the program. Juan is also a person who is deaf, and when he starts watching the court's video about the program, he discovers there are no subtitles or downloadable text for the video. The ADR program responds by including closed captioning for all program videos as one of its action steps.

The program's first assessment is to ensure it has enabled people who are deaf to review the video on its website by adding closed captioning. The next level of assessment is to make sure that the steps have worked. If the court has decided to use YouTube's automatic closed captioning program (which can often have many errors) to address the lack of access for people with hearing disabilities, people may still not be able to understand the video. Therefore, to find out if people who have hearing disabilities are having any difficulties with this, courts can provide an opportunity for feedback. This can be in the form of a pop-up question on the website asking for feedback, through a focus group of similarly situated people, or an end of program participation survey. The third level would be to examine the impact of steps taken to see if those steps lead to a change in experience. For example, did adding closed captioning lead to participants who are deaf or hard of hearing feeling better able to navigate the mediation process?

2. Seattle Office for Civil Rights, Race & Social Justice Initiative (2009)

This report proposes three guiding principles for increasing access to information, resources, and civic processes by people of color and immigrant and refugee communities. First, authors suggest enhancing relationships and engagement with these communities. Authors argue that there is a greater likelihood of engagement from these communities when organizations take steps to enhance their relationships with those populations. Second, they suggest strengthening connections with communities through knowledge gathering, as this allows communities to play a key role in determining the relevance and appropriateness of organizational knowledge. Additionally, they emphasize the importance of looking beyond surveys as a means of gathering data and feedback and towards more personalized means of gathering data. More specifically, they advocate for an exchange of information rather than collection, as it provides a greater sense of ownership in the outcome. Finally, they argue that organizations must be open to organizational changes that are responsive to community insight and allow for shared power between communities and the organizations that serve them.

3. Minnesota Association for Volunteer Administration (MAVA) (2018)

MAVA developed 8 strategies to help volunteer engagements professionals better engage immigrant and diverse communities as volunteers.

- 1) When working with immigrant and diverse communities, organizations should consider using words beyond “volunteer,” ones that are more universally understood and speak to a person’s sense of community such as “help,” “support,” “benefit,” or “give.”
- 2) Building relationships is the first step toward asking people across cultures to volunteer. Ideas for building relationships include attending cultural events or celebrations, reaching out to culturally specific groups or organizations, collaborating internally, hosting a community open house, and reaching out to places of worship or religious organizations.
- 3) Considering socio-economic status is crucial when working with diverse communities because as MAVA’s research reveals, many people of diverse backgrounds, particularly recent immigrants, are in “survival-mode.” People in “survival mode” volunteer, but they volunteer differently. Although they help others in their community, they are better able to participate in these activities when there is reciprocity involved. Organizations can provide immediate and tangible benefits such as childcare, transportation stipends, food, and outings (e.g., tickets to sporting events) to make it easier for those in or near poverty to volunteer with them.
- 4) Skill-based volunteer opportunities are specifically attractive to recent immigrants who are not yet able to work in the United States or looking to build their resumes. It is important to note that by embracing skills-based volunteering, organizations must also accept short-term time commitments as the individual will leave the volunteer position once they secure full-time employment. Additionally, once organizations begin to engage skill-based volunteers, word may spread within local immigrant communities.
- 5) Although reciprocity is an important concept in communities of color, many organizations do not encourage reciprocity from those who use their services because they may assume their clients do not have extra time to give. It is important to not assume and simply ask them to help. Organizations should also review their policies and see if they have any that prohibit clients from volunteering, and if so, if these are necessary.
- 6) A great way to engage diverse youth is to partner with already-existing groups (sports teams, service clubs, etc.) on one-time volunteer projects. Another way to engage youth is through service-learning opportunities.
- 7) Many organizations require volunteers to pass a background check, which may be a difficult barrier for immigrants who want to volunteer but are not citizens. Organizations may consider whether there are positions that do not require background checks, such as work that is not directly with clients. Organizations should also strive to be more flexible in terms of being late to a shift or missing one altogether. MAVA also recommends that organizations review their policies on volunteering with an eye for exclusive rules and language. Lastly, language is the most difficult barrier to overcome, particularly for people who speak very little or no English. Organizations should strive to not only make flyers or advertisements in other languages, but also ensure that they have the infrastructure in place to support a non-English speaking volunteer, such as ensuring that their orientation, volunteer handbook, and training are available in multiple languages.

- 8) Organizations can work towards creating an environment where volunteers of all ethnicities and backgrounds feel welcome and included by educating everyone within their organizations about the importance of engaging volunteers of diverse backgrounds and experiences; gaining support from organizational leaders and asking them to communicate the message of inclusion; and building a culture of inclusion within their own department.

Methodology

The listening sessions that form the basis of this study were conducted around a semi-structured focus group inquiry developed by researchers from the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston, with help from an in-house DEI expert, which was then adapted during the listening sessions by community mediation center facilitators. Two researchers from MOPC recorded all the listening sessions conducted by Zoom, which were transcribed and analyzed using a codebook, developed jointly by the researchers with help from the DEI expert. The qualitative data was organized into themes like culture, gender, structural inequality, employment, legal status, language, and trust. MOPC researchers also conducted literature reviews on community mediation and the historical background of ADR.

These findings are preliminary and are limited by a smaller data sample, selection, and other biases, and are not representative of lived experiences of all diverse (such as race, age, and socioeconomic status) communities in Massachusetts. Additionally, a key limitation of the study was that researchers and centers were unable to involve the Black community in larger numbers, despite efforts to do so. Furthermore, immigrant and refugee populations were highly represented at the listening sessions and hence legal status was an important factor to them, as is reflected in the data.

Interview Questions

MOPC drafted high level questions, which centers could then adapt.

High Level Questions

1. How have you been involved with your local Center, if at all?
2. Have you experienced any barriers to getting involved with [name of Center]?
 - a. Example questions to further gauge responses: Were you aware of them and what they do? Did you have a language barrier or something else?
3. What are some of the ideas you have for encouraging members of your community to become involved in mediation?
4. What are some of the skills (conflict resolution/mediation) you think would be valuable for your community members to learn from the mediation center?
5. How can you help other members of your community as a mediator?

Here is an example of how a center adapted these high-level questions for their community:

1. How is conflict handled in your community?
2. Have you ever been involved with a community mediation center or the mediation process?
3. Does mediation or learning some conflict resolution skills interest you as a way to address conflict in your community?

4. Do you think there are people in your community who would like to become mediators or have some training in mediation?
5. What barriers exist to getting involved with [center name] or becoming a mediator?
6. What are some of the skills (conflict resolution/mediation) you think would be valuable for your community members to learn from the mediation center?
7. Do you have any ideas to encourage people in your community to use or get involved in mediation?

For a detailed description of methodology please see Appendix D.

Findings

The below findings are detailed and were compiled using the listening session data.

Disclaimer: Please note that these sentiments were expressed during a listening session and are highly localized. Researchers do not consider these responses to be representative of all Brazilian, Hispanic, Cambodian, and Black communities, and the study researchers also do not want to play into harmful stereotypes. Therefore, these responses may not be generalizable to these communities everywhere.

Additionally, please note that some quotes were slightly rephrased to address grammatical errors that may have been present due to the transcription process.

For more information about the coding structure, themes, and data, please see Appendix: D.

Awareness

Listening session participants revealed that many of their community members are not fully aware of mediation services and what mediation is. As a listening session participant from the Brazilian community noted: “Regardless of where Brazilians that come here are from, they may or may not know what mediation is.” Indicating awareness and familiarity of mediation, the participant noted “I know that mediation exists in Brazil, I have done it before as a way to not to go to court.” However, the data clearly indicates that many of these diverse communities require greater knowledge and awareness of mediation. Indicating lesser awareness of mediation, another participant from a listening session from the Cambodian community said: “We will use the program, but can you be more specific? What kind of issues or situations can we bring up to you?”

Listening session participants emphasized the necessity of having effective marketing strategies to reach out to people and to increase awareness of community mediation. Listening session participants believe that marketing strategies including the use of social media and outdoor events are indispensable to increase people’s awareness of mediation. Participants suggested the following marketing strategies: banners, a catchy jingle or commercial, posts on Facebook pages, the radio, and short videos. A recent ADR Times article supports this finding, suggesting that community mediation centers build a strong online presence. As the article mentions, in today’s digital age, having a strong online presence is essential for community mediation, as potential clients often turn to the Internet to research mediation before making a decision.

While types of marketing strategies such as the use of social media are recommended, trust/relationships also play an important role in spreading information via partnership, as well as word of mouth. In other words, community-level trust can possibly play an important role in increasing people’s awareness of community mediation. One listening session participant suggested forming partnerships with centers to increase the community’s awareness of this vital service: “I think a partnership would be a good idea. Maybe you guys can come to the office and do a presentation and workshop for our staff and invite the community to get to know your

organization.” Indicating a lack of awareness of community mediation, the participant noted that “Until we started exchanging emails, I was not aware of your organization. So maybe just let the community know that you guys are here and that you are available to help.” The data also demonstrates the important role that word of mouth can play in spreading information. For example, as one listening session participant mentioned, “Clients do outreach for us through word of mouth in addition to various online platforms such as Facebook.”

Listening session participants also indicated that there is another level of trust, organizational trust, which could help increase awareness of community mediation. Locally, there exist various organizations that have been assisting marginalized populations/communities. One of the representatives of such local organizations said it is very common for many local organizations to not be aware of each other’s services including community mediation services. This suggests that by establishing an organizational level of relationships and trust, awareness of community mediation can be increased. As one listening session participant noted, “We know what we are doing, and you know what you are doing. But often there is no sense of what each other is doing and how we can partner with one another.”

Access

Free mediation services and free mediation training seem to be incentives for increasing access to community mediation, yet language diversity, relationships, and trust also seem to be important for allowing marginalized populations to access community mediation services, by helping them overcome fear and feel more comfortable.

Cost was often cited as a barrier to accessing community mediation services. For example, as one listening session participant stated, “The elderly people, they are afraid of how much it’s going to cost. They’ll usually first ask if it’s expensive.” Providing free services and training is therefore one way to eliminate this barrier. However, the data clearly indicates that providing free services and training is not enough to allow marginalized populations to access community mediation services.

Some participants suggested increasing language diversity among community mediation staff to increase access to this vital service: “I think if the person can speak Portuguese ... it does not matter if this person is from inside or outside the community... that could help.”

Transcripts indicated a distrust of the justice system, mediation, and the government. In terms of mediation, one listening session participant noted that many people do not use mediation as a resource due to the “fear of exposing themselves” because some people are undocumented. As the participant argued, “It is simply too risky for them to be exposed in that way.”

It is therefore crucial to build relationships and trust with marginalized populations, so they feel comfortable going to community mediation centers and accessing their services. As a listening session participant noted, “During our relationship, trust is very important as well, right? Because you do not want to talk to anyone about your problems, about whatever is happening in

your life. That person could harm you. So, you have to trust them. Like [name] said, being able to understand the community, relate to the community, and be a trustworthy person, is crucial.”

According to listening session participants working for local organizations, they are already mediating conflicts for their clients to meet clients’ needs. As a listening session participant stated, “I think we work with the community already and even if we do not want to, we mediate for our clients,” while another similarly shared that they “often have clients where [they] have to be the mediator.” In this vein, there is a need for those staff members to receive mediation training because that could help them work more effectively.

While providing mediation training could be a good strategy to increase awareness and access to community mediation, there also exists layers of challenges. For example, they might have difficulties finding available time to receive mediation training. Furthermore, even after completing basic mediation training, there is a possibility that not enough cases are available for further mediation practice.

Utilization

While this research study has limited data on utilization, listening session participants indicated that mediation is utilized by youth at school settings such as peer mediation. One listening session participant described their peer mediation process in detail: “When there is a conflict, we basically sit them down, or take them out of the situation. We sit them down and ask them questions like ‘Was that the right thing to do?’ We just let them talk it out. We are not telling them they are in trouble, but we are trying to get them to learn different standpoints.” This reveals that some individuals are already exposed to mediation, utilizing mediation at their community level.

Although in the listening sessions people shared that marginalized populations are often afraid to utilize formal justice system procedures including courts, the data suggest that they do use courts a lot, perhaps because they do not know about ADR. As a listening session participant from the Brazilian community indicated, “Maybe it’s because we do not know our rights, but Brazilians do use the court system. They are not familiar with the mediation system.” In other words, if they knew more about ADR and got themselves familiar with it, they might use community mediation instead of courts.

Cultural conditions may also affect utilization of community mediation by marginalized populations because in some cultures individuals do not share their personal matters in public settings. In this listening session, for example, participants did not feel comfortable sharing their private information in front of other participants. As one listening session participant shared, “She cannot disclose it because everyone is sitting in the classroom. So, if someone speaks up, everyone would know about her life problems. So, if they contact your organization, in order to feel welcome, they want to have one-on-one sessions so that they can establish trust and share their personal problems.”

This data is not suitable for generalization because of the small size of collected data, and further research is required.

Inequality and Power

Legal Status

Listening session participants shared how people's legal status make certain groups of people, specifically undocumented people, feel disadvantaged and traumatized because they are under incessant fear of being deported or detained. Even if there is a demand for laborers and employers want to hire them, people cannot accept jobs and legally work because of their undocumented status. As one listening session participant indicated, "A lot of businesses are short staffed. But undocumented immigrants cannot work for them. Immigrants would probably like those opportunities, but the businesses cannot legally hire them." While some people blame immigrants for taking American jobs, one listening session participant mentioned that immigrants not only fill labor shortages, but also pay taxes without getting any social benefits unlike ordinary taxpayers.

Another significant barrier brought on by one's legal status is the inability to apply for unemployment benefits. As one listening session participant noted, "A lot of people are unable to pay their bills now because they do not have a job because of the pandemic. A lot of our clients are cleaners, working in restaurants and construction and are undocumented. So, they cannot apply for unemployment benefits." Similarly, listening session participants indicated that undocumented people in their community do not have access to social benefits because of their legal status. As one listening session participant brought up, undocumented people still must pay taxes, yet they do not receive any of the deductions from state, federal, Medicare, and social security taxes when they retire.

When undocumented immigrants do find a job, they are often exploited by their employers. Employers may refuse to compensate for undocumented immigrants, as a listening session participant indicated, yet undocumented people cannot do anything about it because of their legal status: "There are a few people who work and do not get money for it. Yet because they are undocumented, they are afraid to do something or anything." Even when the employer and employee come from the same community, employees claim that they are being taken advantage of and are not being paid enough.

Because of the lack of economic power, marginalized populations must work for long hours with low pay. As one listening session participant indicated, "It's like being undocumented, you only have access to a very limited amount of job positions." The participant further states that even if someone has a college degree from their country, their undocumented status prevents them from working in that profession, significantly limiting entire communities' economic mobility. Consequently, they have limited time, preventing them from being involved in outside work activities including community mediation's 32-hour mediator training. Listening session

participants suggested that stipends or some form of financial assistance are necessary for people with less economic power to be able to get involved in community mediation activities.

Due to power disparities created by legal status, employers and landlords have the power to exploit such populations, taking advantage of the power they possess. Examples include employers refusing to pay workers; landlords discriminating against tenants; and threats to undocumented immigrants. As one listening session participant noted, “I think the most cases we have is about the worker not being paid.” Similarly, another participant shares that in their community, they have heard of landlords discriminating and threatening tenants. Sometimes, landlords will demand tenants to move out within one week. As a result of having no negotiation power and being exploited by those who have economic power, they are under constant fear of being evicted. Fused with all these complexities mentioned above, people are further marginalized by those with power.

Language

Transcripts also indicate that there are some institutionalized practices that unintentionally further marginalize certain groups of people. For example, as English is the most used language, people who speak English are favored in the United States, enabling them to easily navigate themselves. On the other hand, people who do not speak English are at a disadvantage. Because of their limited English language ability, some people are fearful of getting involved in activities outside their own communities where they can speak their native languages. Transcripts suggest that language is a significant barrier for marginalized communities’ participation in community mediation. As one listening session participant from the Brazilian community noted, “I think the biggest problem that Brazilian people have is that they do not speak English.” As a result, people are fearful of interacting with outsiders because of their inability to speak English, and removing language barriers is crucial for involving these individuals in community mediation. One listening session participant expressed this sentiment, stating that, “Because some people do not speak English, they do not want to get involved because they don’t know what to do.” The participant suggested “showing them that there is a way for them to do it, even though they do not speak English fluently” to minimize their fear and get them involved.

The data also suggests that older people have more language difficulties compared to younger people: “The elders, sometimes, have a problem speaking English, so they need to rely on someone else for help.” One listening session participant suggested translating public announcements for elderly people in these communities to “make them feel welcome and encourage them to use the mediation program.”

While younger people or people who are fluent in English help their elders overcome their language difficulties, conflicts or communication issues sometimes emerge between children and parents because parents cannot speak English and children can only speak English. As one listening session participant noted, “Some families have teenagers or young people who were raised here. And even though their parents cannot speak English, sometimes the teenager cannot

speak Portuguese.” The participant indicated that this cultural difference could create conflict and communication issues between the family members.

Language difficulties limit marginalized communities’ access to information, preventing them from knowing what resources are available as well as seeking help when they are in trouble. As one listening session participant mentioned, “The lack of language and information is a huge issue in our community.”

As mentioned earlier, listening session participants indicated that having bilingual mediators/staff would be useful to remove such language barriers, thus increasing marginalized communities’ involvement in community mediation. For example, one listening session participant noted that, “If the person, either from inside or outside the community, can speak Portuguese... it will allow people to feel comfortable.” It appears that some centers already have resources to provide language assistance to respond to those needs. For example, one listening session participant shared that they have “two fabulous interpreters” and that having centers that honor staff who are bilingual and bicultural is “so helpful”. Similarly, another listening session participant shared that they were “working with Portuguese speakers” while another stated that they could “work with your clients in Portuguese.”

Participants identified that increasing access to English education would be a long-term solution even though many people have limited access to it due to lack of transportation, time, and the number of classes available. One listening session participant emphasized the issue of accessing English education: “Access to ESL classes is not available to everyone. I do not think there are enough teachers or enough classes for everyone. There is always a long list of people waiting.” Two listening session participants argued that these classes must be tailored to the individual needs of students, including those who did not have access to education growing up. One listening session participant states that, “We have a part of the community here that did not really have access to school. So even learning the language, it is complicated.”

Gender

The findings suggest that patriarchal tendencies may be higher in some cultures, compared to Western cultures. Since only one center touched on gender, the data size is quite limited, and therefore, further research and data collection are necessary to generalize the findings.

Data from a Brazilian population revealed a male-dominating culture. As one listening session participant revealed, “I think it lends itself to a lack of empowerment. I think the culture, rooted in machismo and misogyny, is still very much alive, especially within rural families.” As a result, women are pressured to stay home and take care of their children especially when their households cannot afford to pay for childcare, creating an economic dependence on men. Listening session participants suggest that in the Brazilian community there is a clear demarcation between men and women: men are breadwinners while women are caregivers at home. As one listening session participant explained, “The roles are very defined. The man is out working, and the woman is usually taking care of the children at home.” One listening session

participant from the Brazilian community compares gender roles in American culture with those in Brazilian culture: “In American culture, it is more normal and common for fathers to also take care of the child and take on more of a childcare role. It is very normal for women to be a bit more independent. When a Brazilian family is here for a long period of time and start assimilating into the community, issues might come up because of their cultural differences with their gender roles.”

The gender gap is deeply ingrained in the form of social norms, and it eventually restricts women’s activities outside their home (beyond their roles as caregivers). One listening session participant sums up this issue: “Some consistency that I see with what mothers share with me is that they are spending a lot of time as caregivers and do not have many opportunities to go and do other things due to having children at home and not having transportation. I think that when we talk about gender roles, that also plays into why people are not able to access events going on in the community.” This suggests that women are less able to access services such as community mediation because they are occupied with taking care of their children and may not have access to reliable transportation.

Undocumented women face even more challenges. It is often beneficial for undocumented women to become licensed daycare practitioners as it does not require a social security number and does not require them to leave their home. Furthermore, licensing and startup costs could be provided through financial support from local organizations. Listening session participants mentioned barriers in obtaining permission to use rental housing for child daycare service. Such services are further limited by other concerns, including the access to liability insurance and the number of children they can accommodate by law. Due to their undocumented status, they have no negotiation power, and many give up.

Discrimination of Immigrants

There exists general discrimination that draws a clear boundary between “us” and “them.” Transcripts verify this concept, revealing that people are “othering” immigrants and believing that “they” are stealing “our” jobs. As a listening session participant shared that this situation occurs often: “I had a general contractor coming to my house. They were badmouthing immigrants in general for taking over [city]. There is this pejorative understanding that immigrants are overtaking the labor market.”

While some people might homogenize groups of people such as the Latino community, transcripts suggest that there exists a lot of diversities within the same community. For example, there are cultural, racial, and ethnic differences within the Latino community. Based on these differences, they sometimes discriminate against each other, which refers to in-group discrimination. This emphasizes the importance of examining different levels of discrimination to understand people’s marginalization comprehensively.

In-group discrimination was often cited by listening session participants. As a listening session participant stated, the community is divided by country of origin: “In [region] a lot of the

community members are from Guatemala. I came from Guatemala too. We are indigenous people. There are also a lot of people from El Salvador and Honduras, and although we consider ourselves Latinos, there is still racism between us. Just by how we look. That is a conflict that divides our community.”

Culture

Participants in a listening session shared that their community members were shy and felt uncomfortable sharing their private information in front of other people. A listening session participant indicated, “Once they know they can get the resource, they will contact and ask for a one-on-one meeting to discuss their issues.”

According to the transcripts, some communities utilize conflict management systems like the “honor and handshake” system. As a listening session participant from the Brazilian community noted: “Throughout the years I have met many people from small rural towns in [region]. What I have learned is that they were raised with the honor system, so they make deals with handshakes, and they try to solve conflict not through mediation but through discussion. So, it is a challenge to try to introduce mediation because there will be a person in the middle that they do not know.”

While neutral third-party intervention is generally indispensable in community mediation to make the mediation process fair and unbiased, transcripts indicate that neutral third-party intervention is perceived negatively in some cultural contexts. For example, in some relational cultures, having complete strangers intervening in their personal conflicts is perceived as unusual. Although it is widely understood that mediator neutrality is indispensable, different designs for mediation or different types of conflict resolution approaches may be necessary to approach different cultural contexts. For instance, a listening session participant indicated that community members may struggle with having strangers intervening in their personal conflicts because they are not a “pastor from their church” or a “family member”. Culturally, there is a huge difference in resolving conflicts in places like Brazil and the United States.

As mentioned before, while having mediators who can speak their languages would be helpful, one of the participants said language alone is not enough. Trust is also important for their people, especially undocumented people who live under constant fear, to feel comfortable using community mediation services. Also, in some communities, religious leaders seem to be taking a major role in helping community members resolve conflicts, creating a strong tie between churches and communities. As one listening session participant noted, “If something happens, normally people ask for counseling.” The minister explained that when trying to solve conflicts he usually refers to the Bible because he cannot say what is right or wrong.

Additionally, transcripts indicated that Americans do not know much about the culture of marginalized populations. They also reveal that existing stereotypes and prejudice seem to be widespread. For example, some listening session participants mentioned that Brazilians are predominantly known to be handworkers (sic), even though there are many more cultural features and diversities within Brazilian communities. More specifically, a listening session

participant from the Brazilian community expressed that Brazilians are only known for their contribution to the labor force, yet as they explained, “That is not all we are. That is not a fair representation of the Brazilian population abroad. We have so much more. But no one is talking about it or recognizing it.”

Listening session participants suggested utilizing better marketing and outreach efforts initiated by marginalized communities to help others learn more about them and therefore create trust and better cultural understanding. Listening session participants suggested marketing and outreach efforts such as having discussions in person with Americans and members of marginalized communities about their culture, setting up dances to showcase a bit of culture, and educating parents on cultural events. Perhaps community mediation centers can collaborate with those communities to help promote cultural understanding that could help build trust between them as well.

Finally, one of the transcripts indicated that there is a lack of cultural awareness regarding what mediation is. Some people may have very different understandings of mediation in different cultural contexts, and others may not know about mediation at all. The listening session participant states that, “[Name] and I are from [region]. So, we have a different perspective and education. I think the first step is probably educating people on what mediation is. Regardless of where Brazilians that come here are from, they may or may not know what mediation is.”

Conflict

Listening session participants stated that not only do intergroup conflicts exist but also intragroup conflicts within their own communities. Based on the data, some immigrants already have conflicts with each other that originated in their home countries. Even after coming to the United States, their conflicts continue, polarizing their communities and discriminating against/exploiting the so-called “other” within. For example, one listening session participant noted: “Community members are in conflict with one another. I think [name] mentioned this yesterday, but people come from [region] with certain levels of conflicts because it is such a small community in [region].” Another listening session participant similarly explained that intercommunity conflict exists in terms of people “taking advantage of one another instead of working together.”

Several listening session participants shared their experiences of interpersonal conflicts. For example, one listening session participant described a conflict between a manager and a leader: “I had a conflict with a superior and myself. We got together and I and my coworkers, identified what the issues were and what we were feeling. And we put together a group of I statements. And we decided to meet her. We came up with a set of agreements between the superior and myself. And now the superior is like one of my best friends. We have a really great relationship. What I found was that when I used, I statements, it gave them an opportunity to take responsibility for the issue.”

Participants also expressed that their communities have family disputes. Because many marginalized populations must work all the time to make their living, they have very limited family time together, deepening divisions among family members, and increasing parent-child conflict. As a listening session participant noted: “Families do not talk very well. They are tired when they get home. There is a lot of stuff that can happen when people do not have enough time to spend with their families and have a good relationship with them, like going to church and doing whatever they want to do.”

The transcripts indicate that family disputes also include challenging relationships between spouses due to power disparities embedded in culture. This is different from cultural norms which can be seen between some spouses in the U.S. This results in power disparities in households, leading to family disputes between wives and husbands.

While the root causes of those conflicts seem to be difficult to eliminate, community mediation may be able to help such families by providing mediation services for those families (i.e., by helping them have constructive communications). In terms of intragroup conflict, perhaps facilitating dialogue to help to mitigate polarization may be useful. Ultimately, researchers need to obtain more information to discover how community mediation centers can best help resolve these conflicts.

Barriers

Transcripts indicate that marginalized communities find it difficult to engage in activities outside of work because many of these individuals struggle to meet their basic needs and therefore need to work excessively. It is difficult to find availability for them to participate in activities such as basic mediation training, which typically takes over 30 hours in Massachusetts. For example, one listening session participant noted: “I think the question is, ‘What is the availability for people to participate in something outside of their regular hours?’ And ‘Is there a willingness to do that?’” The listening session participant further explained that when they’ve tried to pull staff into peer-mediation training, which is only 15-18 hours, it was “a real struggle for people to attend because they are just pulled in so many different directions.” Similarly, other listening session participants emphasized the scarcity of time: “Time, you know”; “They work too much”; “They do not have time to do that”; and “They can’t afford not to work.”

Although it is difficult to remove this barrier, as it is deeply embedded in structural inequality, community mediation centers can focus on finding ways to help their community populations overcome such barriers, through training that is more accommodating in terms of cost, training schedule, transportation assistance, and childcare, for instance.

Additionally, listening session participants shared that some people view mediation as a waste of time due to its voluntary nature. Due to their limited time, it seems that some people would like to have a more hierarchical process which pushes parties to engage so that everyone can get something out of the process. For example, as one listening session participant noted, “When I explained how it works, one thing that they do not like is the fact that one of the parties can say

‘No, I will not go.’” Similarly, another listening session participant stated that, “They want it to be a mandatory process, something that has more teeth to it.”

In terms of available transportation options and available time, people have a hard time commuting to engage in activities outside their work as well. Listening session participants indicated that it would be very helpful for their community members if there were nearby places where they could get help. For example, one listening session participant noted: “Sometimes it is complicated for people to go there. I think it would be helpful if we have someone here or nearby to help with that.”

Deficits (Gaps and Needs)

Gaps

1. Language

Listening session participants consistently touched upon language abilities and the lack of language education.

2. Marketing Strategies

Listening session participants suggested new and efficient types of marketing strategies. For example, several listening session participants suggested utilizing newspapers and the radio to “spread information about rights and accessibility.”

3. Agency and Leadership

Listening session participants indicated the need for agency and leadership. For example, one listening session participant argued: “We need to promote agency within the Brazilian community.”

4. Connection between Children and Parents

Listening session participants described a lack of connection between children and parents. As one listening session participant expressed, “I feel like a lot of parents and kids do not connect well.”

5. Places for Children to Express their Energy

Listening session participants touched upon the issue of children not having a place to express their energy during the pandemic. For instance, one participant noted: “I think they are struggling with having a space where kids can go and express themselves. Whether it is having someone to talk to about what is going on or playing sports to get out the extra energy they have, especially during Covid. So, it would be nice for them to have a way to express their energy and to get out whatever they are bottling up.”

6. Assistance for Families

Listening session participants consistently touched upon the lack of assistance for families. For example, one listening session participant from the Brazilian community compared the United

States' education system to Brazil's: "Back in Brazil, they are provided an education from either the state or municipality. Here that does not happen. You are supposed to pay for it if you want your kids to go to school." Similarly, one listening session participant touched upon the lack of assistance for families who have children with disabilities: "We have a lot of families that have children with disabilities. I know that when they turn 18, some of them are looking to apply for guardianship, but that is something they are having an issue with because they don't know who to turn to. They do not know the steps involved in this process. When they reach out to schools, the school usually tells them that this is not their scope."

Needs

1. Access to Education and Healthcare

Listening session participants indicated a need for increasing access to education and healthcare, including people's understanding of their rights. As one participant noted, "Something I would support is helping the community understand immigrants' rights, rights within our school system, and also rights in the healthcare system because I feel like there are many barriers to accessing healthcare and public health."

2. Trauma Informed Conflict Resolution Services

Listening session participants indicated a need for trauma informed conflict resolution services. As one listening session participant noted, "Being trauma informed and knowing how to provide services with this awareness is an important aspect of our work."

3. Stipends/Other incentives to Get Involved in Activities Outside Work

Listening session participants indicated a need for stipends and other incentives to allow individuals to get involved in activities outside work. For example, listening session participants suggested stipends and other incentives such as vouchers, coupons, food, and gift cards for grocery stores.

4. Outdoor Events to Spread Culture and Understanding of Communities

Listening session participants indicated a need for outdoor events to spread culture and understanding of communities. A participant suggested having an outdoor event in Vineyard Haven to spread information about Brazilian culture.

5. Marketing Strategies to Share People's Testimonials who have used Community Mediation Services

Listening session participants suggested several marketing strategies to share people's testimonials who have used community mediation services. A listening session participant noted: "Maybe call some community members who used the service, and without giving too many details about their case, share their overall experience."

6. Childcare Services

Listening session participants indicated a need for childcare services. As one listening participant noted: “Having access to quality childcare is important.”

7. Family Support

Listening session participants indicated a need for families to act as a support system. As one listening participant mentioned, people usually do not have this support system and even when they do, this support system crumbles because “everybody is hustling.” This listening session participant recommended seeking support through the church to fill this gap.

8. Housing Needs

Listening session participants indicated a need for affordable and stable housing. As one listening session participant explained, “Housing is another problem, especially finding year-round rentals.” During the pandemic, individuals were unsure of how to advocate for themselves, and many were afraid to talk to their landlords. As one listening session participant shared, many people are “Afraid of talking to the landlord because if they say they can’t afford to pay the utilities, then why would the landlord rent them the place?” Mediation is a crucial avenue for solving issues between tenants and landlords and preventing eviction and homelessness.

9. Basic Needs

Listening session participants indicated that their basic needs were not being met. For example, one listening session participant noted: “Right now, the community has problems with paying rent, utilities, and accessing health insurance. Some of them need food. We have referred them to a food pantry. Some of them are going through divorces. Most of them do not have a driver’s license. Some of them have court dates because they were stopped by the police driving without a valid driver's license.”

10. Access to Technology

Listening session participants indicated a need for accessing technology. As one listening session participant indicated, a lot of clients do not have access to email or text message and do not have a computer at their home.

11. Utility/Rent/Unemployment Assistance

Listening session participants indicated a need for utility/rent/unemployment assistance. As one listening session participant noted: “I am doing a lot of things that I was not doing before Covid, like unemployment application claims, emergency assistance, fuel applications, all of that.”

12. Assistance in Negotiating with Employers

Listening session participants indicated a need for skill development and assistance in negotiating with employers who refuse to pay. As one listening session participant emphasized, they “Need to learn how to negotiate with their employers to get their written contracts in their own language.”

13. Workplace Conflicts

Listening session participants indicated a need to address workplace conflicts. As one listening session participant mentioned, it is crucial to develop strategies to help people navigate workplace tension.

14. Access to Jobs

Listening session participants indicated a need for accessing jobs. For example, one listening session participant noted: “It’s crucial to get a job.”

15. Health and Financial Concerns during the Pandemic

Listening session participants expressed health and financial concerns, especially during the pandemic. One listening session participant for example, explained that many families were “Not taking the virus seriously because they need to feed their family and bring food to the table.” This participant emphasized the need for resources that would allow families to take care of their health while still feeding their family and paying the bills.

16. Mental Health

Listening session participants indicated a need for mental health awareness and services. For example, one listening session participant noted: “Kids and teenagers have mental health problems, but they do not know what they are and that could lead to a bigger problem.”

17. Conflicts in School

Listening session participants indicated a need to address conflicts in schools as there were a lot of conflicts around schools and inside schools.

18. Understanding Different Levels of Education

Listening session participants indicated a need to understand different levels of education. For example, one listening session participant from the Brazilian community described the importance of organizations such as schools and hospitals to “better understand the different levels of education of the Brazilians coming here.”

19. Nutrition Education for Children

Listening session participants indicated a need for nutrition education for children. As one listening session participant stated: “I definitely see the lack of nutrition education for kids.” This participant explained that many kids eat fast food and are constantly snacking, so nutrition education is crucial for showing kids that healthy foods and snacks are available and delicious.

20. Immigration Issues

Listening session participants indicated a need for addressing immigration issues as many indicated that there are various problems regarding immigration such as citizenship confusion. One listening session participant suggested having someone at each center that can help individuals in different areas of immigration.

21. Assistance in Paying for Funerals and Taking Care of Children with Disabilities

Listening session participants indicated a need for assistance in paying for funerals and taking care of children with disabilities. As one listening session participant noted, “In many cases, when a family member passes away, they do not have any money, and they do not know which program to go to for help with setting up a funeral for their family member.” Additionally, one listening session participant demonstrated the lack of support for families who take care of children with disabilities: “We have a lot of family members that have children with disabilities. And I know that when they turn 18, some are looking to apply for guardianship.” As mentioned above, the issue is that these individuals do not know where to turn to.

Assets

Assets are mainly resources, skills, and services that community mediation centers and communities already have. Understanding the gap between deficits (what is missing) and assets (what is already there) is crucial for discovering what needs to be done to fill the gap to increase access to community mediation.

Transcripts revealed that centers have a deep knowledge of mediation. For example, one listening session participant described mediation as the following: “Mediation is a way for people to come together, face to face, to talk things out. Mediators do not make decisions. They do not decide who is right or wrong. They create that safe place for people to have difficult conversations. And what we know after decades of experience is the challenges of getting people to the table, yet once they are at the table, they are able to work things out 7 out of 10 times. And those 3 out of 10 that did not work things out, they heard each other. They are able to hear each other's perspectives, and maybe understand each other a little better, even if they do not fully agree.”

One of the most important center strengths seems to be their staff members who are from marginalized communities, and therefore have a deep understanding of those communities and can communicate with them utilizing cultural knowledge and language fluency. As one listening session participant noted, “[Name] is our staff member, and she speaks fluent Portuguese, and she is Brazilian. That has been a huge addition for us. Our goal has always been to serve an entire community. We have two fabulous interpreters, and having somebody on our staff who is bilingual and bicultural is so helpful as well.” Community mediation centers also have specialized services such as a re-entry program and many years of experience locally. For example, one listening session participant noted: “One of our newest initiatives, is called a prison re-entry mediation project, helping prisoners who are about to be released back to the community connect with people.” Additionally, some centers shared that they were built 40 years ago and were committed to providing affordable services to their community through many volunteer mediators. As one listening session participant shared, “We are committed to providing affordable and accessible services... thanks to the commitment of our mediators who are all volunteers.”

A wide range of center capacities were indicated through the research study's data. This includes workplace conflict training, family mediation, facilitation, coaching, youth training, consumer protection, housing mediation, mediation training, and their trained and expertized volunteer mediators. Centers have partnerships with local organizations and courts, getting referrals to mediation cases. Centers also provide mediation or conflict resolution training to partner organizations and community members. Centers also indicated that they have capacities not only to provide affordable services through a sliding scale and free mediations, but also in different languages.

Communities themselves have a wide range of assets. Some communities provide peer mediation services/training in local schools and have community-based organizations that support youth and families such as YMCA and family centers.

Additionally, some of the significant community capacities come from local organizations' capacities. For example, local organizations have bilingual staff who can support and translate resources for community members and are eager to learn about mediation to support their community. Local community mediation centers also provide mediation training to youth. Similarly, local organizations provide support for community members' essential needs as well as education for second and third generation immigrant children about their identities. Local youth organizations' staff also act as brothers or sisters to the youth. Similarly local family members, neighbors, and pastors provide counseling to community members. Youth are also an asset for communities because they enhance community capacities by assisting other community members, providing language assistance, and spreading awareness of mediation through social media. Finally, two centers collaborated to provide a full mediation training in Spanish which included the full elements of theory and role-play practice.

Rules of Engagement

“Rules of Engagement” is a key finding to inform how community mediation centers can increase access to justice and utilization of community mediation by underserved communities and populations. The visual serves to capture the interrelatedness and complexity of different factors and conditions that impact the level of engagement in community mediation by underserved communities and populations.

Community mediation can play an important role in increasing access to justice for marginalized, underserved, or unserved communities, particularly those of color. However, significant barriers affect the delivery of justice through these mechanisms. Two barriers in particular play a significant role in affecting community mediation utilization. These key barriers are trust and language.

Marginalized, unserved or underserved communities tend to distrust outsiders and formal authorities for various reasons. This may include a fear of formal mechanisms for delivering justice, to which court-service-oriented community mediation centers may appear to be more

aligned with. For immigrants, and particularly the undocumented, fear of formal mechanisms of justice is tied to their immigration status.

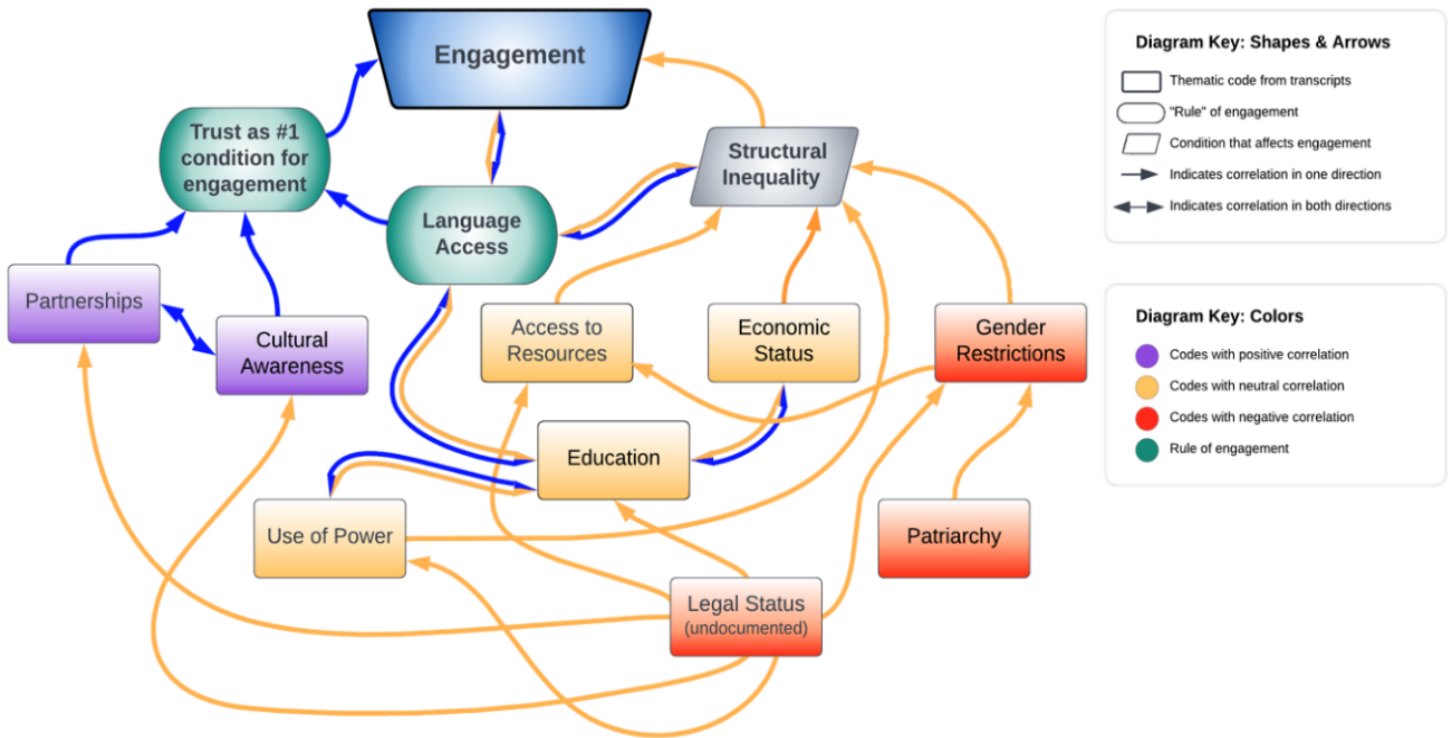
Community members who have difficulties communicating in English have a fear of accessing services delivered primarily in English. However, increasing language access by diversifying language options alone is inadequate for people to overcome fear and to utilize community mediation services. Hence, language access and building trust are necessary preconditions to serving marginalized and or unserved, underserved communities.

This research study identified various components that could impact the communities' level of trust such as the strength of community partnerships, level of cultural awareness, and language access as stated previously. To establish trust, partnerships with local organizations serving marginalized communities could play an important role. As research has shown, by entering a community through a trusted person or organization, actively listening to the community, and then coproducing solutions with the community, nonprofits are able to build trust and gain credibility (Nardini et al., 2022). These local partnerships can help connect community members with the mediation centers, facilitating communication between them and help build trust. In this vein, community mediation centers also need to recruit, retain, or partner with bilingual staff/institutions who can translate, advocate for, and increase awareness of community mediation to diverse linguistic groups.

It is also important to address existing structural barriers that negatively impact marginalized populations' participation, including (1) economic status, (2) gender, (3) legal status, and (4) education. Economic status is one of the barriers embedded in structural inequality. As explained in the findings, the pandemic worsened this economic gap particularly for domestic workers who work for cleaning services, construction companies, and restaurants. Many people lost their jobs, and those that are economically disadvantaged do not have the time to spend on volunteering for community mediation. Many women are also preoccupied with household chores and childcare and maybe trapped within culturally appropriated gender norms that expect women to play the role of housewife and caregiver. To help marginalized communities and populations overcome barriers related to structural inequalities, community mediation should consider a range of actions including providing financial support (stipends), free training scholarships, training opportunities at night or by adjusting mediation training schedule/length and providing childcare support for example.

Rules of Engagement

Preliminary Visual Aid for Coding Analysis



Recommendations

The following are a set of universal recommendations drawing on the literature review in the study, review of best practices and analysis of Massachusetts data and are intended for all community mediation centers seeking to deepen their DEI commitment and the effectiveness of their DEI strategies.

1. Community mediation centers should have a **comprehensive** set of written DEI policies that touch upon all aspects of their organization, including organizational culture, HR practices and board practices. Having specific best practices that are combinations of increasing DEI and sustaining DEI efforts can help avoid tokenism. Other best practices include promoting DEI at all levels, especially at leadership levels, and continuous efforts for self-reflection with an explicit, intentional commitment to advancing racial equity. The policy should also focus on raising cultural humility and awareness through training, evaluation, and continuous improvement processes.
2. If community mediation centers are at an earlier stage of DEI work, they should strongly consider adopting a theory of change, identifying key change agents, and developing a strategy for managing organizational change to ensure that their DEI work is sustainable. Otherwise, centers are at risk of long-term failure in providing truly accessible and inclusive services to marginalized and underserved populations.
3. Community mediation centers should develop comprehensive and actionable DEI strategies that produce real results, which includes clear, measurable, actionable, timebound and accountable steps. Centers should jointly investigate ways to collaboratively define these steps, measures, and ways to verify the achievement of these steps with community members and stakeholders to ensure that centers are working towards similar DEI goals, expectations, and outcomes as the communities they want to serve. Additionally, centers should include communities in identifying areas of improvement--especially for issues that most impact these communities--and developing responsive strategic plans. To this end, centers and their sponsors and funders should develop evaluation plans to measure their progress in DEI, particularly as it relates to future public and private investment in DEI. Evaluators must guide centers to more equity-focused and culturally responsive evaluations that examine structural and systemic barriers that create and sustain oppression to identify ways to dismantle them. (*Please see Appendices B and C for evaluation instruments, metrics, and recommended methods for evaluation DEI.*)
4. Community mediation centers should establish new partnerships and continue to strengthen existing community partnerships with local organizations serving unserved/underserved and marginalized groups who have built trust and relationships with those communities to increase community mediation utilization as an access to justice mechanism. An example of this type of organization is Massachusetts Immigrant

& Refugee Advocacy Coalition (MIRA), the immigrant-serving organization that works with high need undocumented communities who fear the formal justice system to address their need for delivering justice. Such partnerships with local organizations would need to be strong and collaborative, for example, co-developing joint programs, sharing resources and expertise, and providing skill-building opportunities and trainings, all of which should address community needs, as described, and defined by the community.

5. Effective marketing strategies are crucial for reaching communities and increasing awareness of community mediation. Centers should invest in different marketing strategies including the use of social media and outdoor events to increase people's awareness of mediation. Other marketing strategies for Centers and the statewide community mediation system to consider would include banners, a catchy jingle or commercial/PSA, posts on Facebook pages, the radio, and short videos on YouTube. For a more thorough marketing strategy aimed at particularly unserved/underserved and/or marginalized populations, it is recommended that multilingual, multicultural, and more culturally appropriate marketing strategies are identified and implemented over time. This might include marketing to groups on platforms used more by unserved/underserved and/or marginalized groups.
6. To build a strong online presence, community mediation centers should review their website to ensure it is professional, easy to navigate, and mobile friendly by including information about their mediation services, as well as their credentials, experience, and testimonials from satisfied clients. They should also optimize their website for search engines by using keywords that are relevant to their services and location to help potential clients find them when searching online. Additionally, centers may claim their Google My Business listing, which is a free tool that allows organizations to manage their business information across Google search and maps. Lastly, centers should continue to establish a strong social media presence by choosing platforms that are most relevant to their target market, such as LinkedIn, Twitter, or Facebook.
7. Community mediation centers must reexamine their outreach material from a DEI lens. They must examine how their public-facing information, like websites, videos, brochures, and other materials about the center are accessible, multilingual, and culturally responsive. This would also involve the addition of more inclusive language, images showing diversity, videos with subtitles, closed captioning etc.
8. To increase access to community mediation, centers must not only continue to provide free services and training, but also increase language diversity among staff, and work to build trust and form more relationships with communities they serve. To this end, centers need to be provided with adequate funding to hire diverse staff and to support a diverse mediator pool. In addition, centers may have to consider providing support for childcare, stipends, transportation options and greater accessibility and other benefits to promote volunteerism in community mediation where possible.

9. Although it is widely understood that mediator neutrality is indispensable, different designs for mediation or different types of conflict resolution approaches may be necessary to approach different cultural contexts. Centers may have to consider developing and/or incorporating more culturally appropriate mediation practices and/or approaches over time to serve culturally diverse populations. Centers should consider leveraging where possible, non-Western cultural approaches and assets to address conflict, such as relational conflict management approaches and other approaches like using religious leaders as go-betweens that may be seen as complementary to mediation and funders should support such efforts through its qualifying criteria.
10. Community mediation sponsors and funders should continue funding and provide practical support for the efforts of centers in all the above areas. This can be achieved through specially targeted funding aimed at strategic change as well as general operational support for items like making training and services more accessible. Sponsors and funders should also continue to support around training in DEI awareness and implementation, the use of regular center staff learning communities and with sharing its own learning through continued community engagement projects and internal growth. As sponsors and funders engage in learning around its funding model to centers and effective practices in outreach to unserved and under-served communities, the results of such engagement should be available to all.
11. Community mediation centers should promote greater outward DEI through a concerted effort to reach out to marginalized communities, center the voices of community members, and partner with other organizations. To this end, centers should implement and sustain listening sessions with community groups through existing and new community partnerships.
12. To support effective long-term outward DEI, community mediation leaders should consider co-creating a vision of community mediation that centers the voices, needs, and strengths of those most impacted by the services through a broad visioning process involving multiple stakeholder groups. Such a process would integrate the knowledge and experiences of all community populations and sectors in revisiting community mediation through a DEI lens as a means of providing equitable access to community dispute resolution and access to justice. The vision should be for a fully engaged and integrated community mediation system founded on community-based relationships of trust and sustainable networks of support for managing conflict.

Appendix A: Definitions of Terms

Power: The ability to name or define; the ability to decide; the ability to set the rule, standard, or policy; the ability to change the rule, standard, or policy to serve your needs, wants or desires; and the ability to influence decisions makers to make choices in favor of your cause, issue, or concern (YWCA, 2016)

Types of power

1. *Personal power:* Self-determination; power that an individual possesses or builds in their personal life and interpersonal relationships

Example: When a person chooses a new name for themselves rather than the one given to them, that is an act of personal power

2. *Social power:* Communal self-determination; a grassroots collective organization of personal power; power that social groups possess or build among themselves to determine and shape their collective lives

Example: Individuals who identify as multiracial or multiethnic have used their social power to name themselves into existence and build a community around the shared experience of being multiracial or multiethnic. The growing social power of the multiracial/multiethnic community is a direct challenge to institutions premised on a binary understanding of race (i.e., you are either this or that)

3. *Institutional power:* Power to create and shape the rules, policies, and actions of an institution; to have institutional power is to be a decision maker or to have great influence upon a decision maker of an institution

Example: A school principal or the PTO of a local school have institutional power at that school

4. *Structural power:* To have structural power is to create and shape the rules, policies, and actions that govern multiple and intersecting institutions or an industry

Example: The city school board, mayor, and the Secretary of Education have structural power in the educational industry

Barriers: A barrier is an obstacle or an obstruction in the process of things. It can be a system, a party, or even an individual. Barriers limit or prevent people from achieving equality. These elements can cause a hindrance for others from performing their best, exploring their potentials, or stopping their progress completely (Ricee, 2021)

Opportunity: A good chance for advancement or progress (Merriam-Webster)

Culture: A shared way of life among a social group. This shared way of life includes commonalities in geography, language, history, traditions, rituals, belief systems, etc. (YWCA, 2016); A social system of customs, behaviors, and norms that a group of people develops to

ensure its survival and adaptation. It is also a system of values, habits, skills, ideologies, and beliefs (Nakintu and Bitanga-Isreal, 2021)

Access: Equal access to social goods is one of the most fundamental principles of social justice. This holds that society's resources should be equally available to all. For example, many social justice theorists believe that people should have equal access to education, health care, and employment. Public servants can uphold this principle by ensuring that everyone has access to these resources (Mollenkamp, 2022)

Awareness: Knowledge and understanding that something is happening or exists (Merriam-Webster)

Language: The words, their pronunciation, and the methods of combining them used and understood by a community (Merriam-Webster)

Language barrier: A difficulty for people communicating because they speak different languages

Gender: The socially constructed concepts of masculinity and femininity; the "appropriate" qualities accompanying biological sex (University of Washington-Diversity Research Center, 2015)

Gender expression: The way in which a person embodies or demonstrates their gender outwardly through the way they act, dress, behave, interact, or other perceived characteristics. Society identifies these cues as masculine or feminine, although what is considered masculine or feminine changes over time and varies by culture (Nakintu and Bitanga-Isreal, 2021)

Gender identity: Simply put, gender identity refers to how a person sees themselves in terms of their gender. That is, it refers to a person's own internal sense of self and their gender, whether that is man, woman, neither or both. Unlike gender expression, gender identity is not outwardly visible to others (Nakintu and Bitanga-Isreal, 2021)

Appendix B: Instruments and Metrics for Evaluating DEI

Instruments (COPDEI, 2019)

1. GlobeSmart ProfileSM (GSP)

GSP is an effective, statistically validated tool used to discover individual workstyles and how they compare with other cultures and colleagues. This tool provides advice to bridge differences and leverage similarities.

2. Cultural Mapping Assessment

Cultural Mapping Assessment is a tool that examines intercultural dynamics in the work environment. It is a 72-question online inventory that creates a profile along 12 dimensions of culture and how those dimensions affect behavior. The assessment may be embedded into a broad individual and organization development program.

3. Cultural Perspectives Questionnaire (CPQ)

CPQ is a 79-question online questionnaire that measures 11 variations of four cultural orientations: relationships, environment, nature of humanity, and activity. It is a tool for understanding management behaviors and characteristics related to culture. It can be used to diagnose and address problems or to identify ways to leverage higher performance.

4. Diversity Awareness Profile (DAP)

DAP is a self-assessment tool that helps individuals improve working relationships among diverse co-workers and customers by increasing awareness of their behavior and how it affects others.

5. Intercultural Readiness Check (IRC)

IRC assesses a person's suitability for working in a multicultural setting on four dimensions: intercultural sensitivity, communication, commitment, and management of uncertainty. The IRC can be used as a means of determining training and development needs, identifying strategies/recommendations to bridge cultural differences, and as a part of the selection process.

6. DiversiScan™

DiversiScan™ is a tool to increase leadership's ability to scan the environment to identify challenges, needs, and opportunities that are critical to a company's success in a diverse world. It sharpens an organization's vision and ability to recognize diversity-related indicators within the typical organization.

7. Diversity Leadership 360°™

Diversity Leadership 360°™ is an assessment tool that measures the key behaviors that each leader in an organization needs to possess and demonstrate for diversity to be successfully valued and managed. This instrument is used by organizations to continually improve and to hold leaders accountable for inclusion.

8. *Diversity Competencies Assessment™*

Diversity Competencies Assessment™ is a 65-item assessment tool that measures the many distinct skills and areas of expertise that contribute to diversity competency, in particular, the ability to value and leverage diversity. It is a self-scoring instrument and can be implemented with leaders and employees at all levels as a stand-alone intervention with individuals or groups. It can be used as a skills-based module in an organization's existing diversity education effort or as a framework for subsequent skill-building training in seven skill areas.

9. *Intercultural Effectiveness Scale (IES)*

IES is an instrument used by profit and nonprofit organizations, including government agencies and educational institutions. It was developed to evaluate the competencies critical to interacting effectively with people who are from different cultures. However, the competencies assessed are equally applicable to evaluating how well people work with those who are different from them on a range of dimensions, including gender, generation, ethnic group, religious affiliation, and so forth. The IES focuses on nine competencies in three categories of intercultural effectiveness. These three dimensions are combined to generate an Overall Intercultural Effectiveness score in the individual feedback report.

Metrics (SurveyMonkey, n.d.)

1. *Representation*

Representation is helpful when trying to identify underrepresented groups within a NPO and can be measured by the percentage of employees from monitored groups compared with company and industry benchmarks.

2. *Retention*

Retention is used to identify the average tenure for employees compared to the tenure of other employees across the workforce. This can also be helpful to pinpoint those employees who are not satisfied with their workplace and are more likely to resign or be terminated from the company.

3. *Recruitment*

Recruitment identifies any barriers of entry for different groups, pipeline issues, and biased recruitment efforts.

4. *Selection*

Selection tracks appointments of individuals and identifies any biases in the assessment and selection process.

5. *Promotion*

Promotion tracks promotions awarded to employees and identifies any bias during assessment and selection. It may be useful to track the amount of time it takes for employees to progress and compare it to other groups. The results could reveal any performance or potential bias.

6. *Pay*

Pay metric is used to identify bias in compensation and can be identified by comparing financial rewards earned by individuals.

7. *Development*

Development tracks lateral moves—in other words, tracks job responsibilities and compares them to other jobs, making sure that the position provides room for professional development. This can be useful when identifying bias in development.

8. *Employee engagement*

Employee engagement identifies which groups of employees are more engaged compared to others. A significant difference in engagement scores could indicate biased mindsets. If this trend is present within an organization, it may create survey questions that target DEI concerns to gain a deeper understanding of what might be hampering engagement.

Inclusion metrics

Measuring inclusion is a bit more challenging and requires a different approach to get to the bottom line. However, there are some common metrics that help clarify an NPOs' performance when it comes to inclusion.

1. *Job satisfaction*

When trying to determine whether employees in an NPO are satisfied or not, surveys can be used to measure subject areas within job satisfaction to help an NPO better understand if employees feel welcomed at their jobs.

2. *Job retention*

High employee turnover suggests that employees are unhappy or unfulfilled in their positions. It could also indicate they are leaving because they do not feel included. Conducting stay interviews not only shows employees that they are valuable assets to an organization, but also lets them know what they have to say and what they need to be happy and successful in an organization, matters. Beyond that, conducting stay interviews saves an organization costly and time-consuming turnover and allows the organization to stay connected with employees and keep up with the social climate of the organization.

Appendix C: Approaches for Promoting DEI in Evaluation

Equitable Evaluation

Equitable evaluation is an approach that addresses the dynamics and practices that have historically undervalued the voices, knowledge, expertise, capacity, and experiences of all evaluation participants and stakeholders, particularly people of color and other marginalized groups (Stern, Guckenburg, Persson, & Petrosino, 2019). Adopting equitable evaluation principles requires that evaluators engage in a process of ongoing self-reflection and adjustment. This includes a willingness to question and adapt traditional evaluation methods in response to stakeholder input. Bamberger and Segone explain that equity-focused evaluation diverges from more mainstream evaluation techniques in its emphasis on “looking explicitly at the equity dimensions of interventions, going beyond conventional quantitative data to the analysis of behavior change, complex social processes, and attitudes and collecting information on difficult-to-reach, socially marginalized groups” (2011, p.9). This approach goes beyond culturally responsive evaluation in requiring that researchers understand the context within which an intervention is implemented, including key systems, structures, and power dynamics. Perhaps most important, it demands that evaluators assess how an intervention may contribute to or resist replication of existing inequities within this context, including the possibility that it may have different effects for different populations (Inouye, Yu, & Adefuin, 2005).

Stern, Guckenburg, Persson and Petrosino (2019) highlight potential opportunities for integrating the core principles of equitable evaluation into future work. When selecting an evaluation team, they suggest including individuals who bring a diverse set of perspectives, skills, identities, and lived experiences. For example, researchers might train a small group of community members to collect data in the form of surveys or interviews. Community members can provide important context for and interpretation of the results of quantitative or qualitative data analysis.

When defining and communicating the boundaries of the study, they suggest being explicit about which stakeholders are included, which are not, and why. Once researchers have identified the stakeholder demographics and perspectives that need to be involved in the evaluation team, they can develop a plan for approaching and engaging people who are willing and able to give their time as part of the work. Recognizing that there are often unique costs (time, gas, childcare) for stakeholders who participate in evaluation teams, researchers might consider budgeting for stipends or honoraria for stakeholders who take on this role.

Under the guiding assumption that strong evaluation questions are developed using preliminary data on the community context and history of the initiative, reform, or program, they suggest first gathering information on the community context and the initiative studied. This may mean conducting several interviews, reviewing documents, visiting the community, attending community events, or talking to other communities who are further along in their implementation of a similar or the same initiative. The design of the evaluation questions themselves should also reflect a focus on equity. Researchers can incorporate aspects of systems analysis in an

evaluation by developing questions that probe stakeholders' experiences of underlying systems of inequity.

When designing the study and choosing data collection strategies, the authors suggest that members of the community, including youth and family members, be included in decision-making about all aspects of the evaluation design. When designing the study, evaluators should consider ways to maximize the participation of a wide range of community members in data collection. For example, focus groups enable more key informants to participate in a data collection process across multiple stakeholder types. Similarly, evaluators should consider the use of in-person interviews and site visits. Although valuable information can be gathered by phone and through online surveys, in-person interactions with stakeholders build trust and the opportunity to convey information that would not otherwise be collected. When developing data collection tools such as interview and focus group protocols and surveys, involving representatives of the stakeholder groups who will participate in data collection can contribute to a better instrument. With stakeholders' support, these data collection instruments can be designed to reflect the community context and the language used locally. Stakeholders can also help identify key questions that outside evaluators may not have thought to include, particularly questions that solicit information valued by stakeholders rather than by external researchers or funders.

To ensure that all voices are represented in the evaluation, the authors suggest that evaluators practice inclusion and diversity in the recruitment and selection of interview and survey participants, as the selection of study participants can either support or inhibit the study's ability to capture variation in community members' experiences.

Lastly, the authors recommend that evaluation findings be provided to stakeholders in multiple formats, such as briefs, written reports, and presentations, informal as well as formal, so that all participants can learn about what was found because of the data collected. Involvement in the community from the beginning about the kind of product they would like to see from the evaluation would help the evaluation team plan for such a product. To ensure that evaluation findings can be shared more broadly, researchers should create documents that are shorter, more visual, and available in multiple languages.

Culturally Responsive Equitable Evaluation (CREE)

Incorporating a culturally responsive and equitable evaluation (CREE) lens into an evaluation helps ensure that all community stakeholders, including those who operate and participate in programs, have the chance to contribute to and benefit from the evaluation (Anderson, 2021). CREE requires integrating diversity, inclusion, and equity principles into all phases of evaluation (Woodson, 2021). Participation in the evaluation by the individuals most impacted by the program being evaluated is a hallmark of CREE. It also incorporates cultural, structural, and contextual considerations into the evaluation, including historical, social, economic, racial, ethnic, and gender-related factors. CREE advances equity by informing strategy, program improvement, decision making, policy formation, and change (Woodson, 2021).

Tanisha Tate Woodson (2021) identifies the nine stages of evaluation (Hood, Hopson and Kirkhart, 2015) and presents examples of how to incorporate CREE into each stage of evaluation.

First, when preparing for an evaluation, researchers can incorporate CREE by assembling an evaluation team whose collective lived experience is appropriate to the context of the program being evaluated. Researchers can also engage individuals who can serve as cultural guides to the community as well as compile an inventory of the people participating in the evaluation or the program being evaluated.

Next, when engaging stakeholders, researchers can develop an advisory panel of stakeholders who present the communities served by the program; seek to engage multiple voices (for example, marginalized communities and youth); and strive to balance the stakeholder group by including decision makers (for example, program leaders), program participants, and community members.

When identifying the purpose of evaluation, researchers can establish clear expectations for goals and use of evaluation; examine how well the program's philosophy aligns with the cultural values of the community it serves; ask whether program resources are equitably distributed (for example, examining the program's criteria for inclusion and exclusion); and ask what environmental or contextual factors the evaluation must include to understand outcomes.

It is also crucial to frame the right questions. Researchers can achieve this by including questions that are relevant to stakeholders, determining what will be accepted as evidence in seeking answers to questions, examining whose voices are heard in the choice of questions and evidence, and asking whether these choices reflect the lived experiences of stakeholders.

When designing the evaluation, it is important to build a study design appropriate to both evaluation questions and cultural context; seek culturally appropriate methods that combine qualitative and quantitative approaches; and construct control and comparison groups in ways that respect cultural context and values (for example, consider whether the design is appropriate for certain groups such as tribal communities; consider the race and ethnicity of study participants when forming groups).

Similarly, when selecting and adapting instrumentation, researchers can embed CREE into this stage by leveraging data that programs are already generating (for example, administrative records, meeting minutes, student applications, and student work), establishing reliable and valid instruments for the community, ensuring language and content of instruments are culturally sensitive, and considering using art-based approaches to data collection (for example, Photovoice and poetry).

To embed CREE into data collection, researchers can use procedures that are responsive to cultural context to collect both qualitative and quantitative data by collaborating with the stakeholder group to ensure methods are culturally appropriate for the community being studied. For example, a telephone survey might not be appropriate for all communities. Additionally,

researchers should ensure data collectors are carefully trained in technical procedures and cultural context as well as hire data collectors with contextually relevant lived experience.

When analyzing the data, researchers can integrate CREE into this stage by disaggregating data by subgroups and cross-tabulating by important cultural variables, examining outliers, especially successful ones, and using cultural guides and interpreters to capture nuances in the findings.

Finally, when disseminating and using results, researchers can create stakeholder review panels to help expand and enrich interpretation and dissemination of findings. Additionally, they can develop deliverables that align with the purpose of the evaluation and the mission of the program being evaluated. For example, researchers can create a short data brief of fewer than five pages, a one-page summary of key findings the program can use for marketing, or a short video reel that the program can post on its website to showcase findings and program successes.

Appendix D: Detailed Methodology

Coding Methodology

Recruitment of Centers and Participants: Initially commencing under the banner *Public Service Grant DEI Project* in August 2020, all 12 state funded community mediation centers were invited to participate with the goal of recruiting six. Those that chose to participate were expected to identify a particular community they wanted to engage with and identify an area where they wanted feedback or insight from that community. Their responsibilities included: designating a person (staff or board) to lead the project, outreaching to the community, recruiting individuals for the listening session, organizing, and facilitating a listening session, and participating in the learning community.

Of the 12 Centers, nine expressed an interest. MOPC decided to include all nine and allocated additional funding to ensure all would receive \$500 each to help organize and convene the listening sessions.

Organizing Listening Sessions: Due to the number of centers involved and their varying readiness levels, MOPC organized centers into two cohorts based on when the centers estimated they could realistically hold their listening sessions during the pandemic. The first cohort (3 Centers) began in October 2020, with the aim of organizing listening sessions in November 2020 and February 2021. The second cohort (6 Centers) began in January 2021, with the aim of holding the sessions in February 2021 – May 2021. Between October and December 2020, MOPC scheduled a brainstorming and learning session with Cohort one as well as individual meetings with each center as needed, to support their outreach efforts and identify which individuals to invite to participate in their listening session. Two of the centers held their listening sessions in January and February 2021. One experienced additional challenge in connecting with their target community and extended their project timeline.

For Cohort two, MOPC convened an initial outreach planning session in December 2020 to help the centers share and learn from each other about their target communities and their thoughts on how they planned to recruit listening session participants. From January – July 2021, MOPC worked with individual centers to support their outreach efforts and plan the listening session. Additionally, MOPC set up two learning community sessions (one in January 2021, the other in March 2021) so that Cohort one could share their experience in planning and holding their listening sessions. One center in Cohort two planned to hold a listening session with the Cambodian community and thus needed a simultaneous interpreter. MOPC arranged for and paid the fees for both the simultaneous interpreter as well as the transcription and translation of the Cambodian listening session.

Four centers in Cohort two held their listening sessions in May and June 2021. One organized a meeting through their community contact, but the center had not yet established enough trust with the community and thus the session became more of an informational presentation. Another scheduled a session prematurely, as they also had not yet built enough trust with the community

to be able to record the session. The final center in Cohort one held their listening session in August 2021, which was only attended by 2 participants.

Transcription and Analysis: Between January 2021 and August 2021, MOPC transcribed each listening session and shared the transcriptions with the respective Center. Once most of the listening sessions were completed and transcribed, MOPC began analyzing the data, while waiting for the last listening sessions to be scheduled. MOPC shared preliminary findings at the Association for Conflict Resolution Conference in September 2021, and in November 2021 with the project participants. The November meeting was recorded and transcribed so that MOPC could include any additional insights into the overall analysis, as well as learn from centers on supporting them for future listening sessions and their efforts at better serving and representing the community.

A thorough examination of a transcription generally plays a central role in qualitative research (Davidson, 2009). All the listening sessions (each listening session was about 90 minutes) were conducted via Zoom and were recorded. Afterwards, all the conversations were transcribed to prevent researcher subjectivity. The transcripts were then coded based on the themes. Coding is a well-known technique in qualitative research, enabling researchers to search for topics across data, identify patterns and determine what those patterns indicate (Mihás & Odum Institute, 2019).

Codebook development

A codebook is a list of codes with code definitions, allowing researchers to keep track of how codes are being used to make sense of data (Mihás & Odum Institute, 2019). In general, codes are defined either by the literature review or the data itself. In this study, codes are mostly defined by the data itself, namely, how listening session participants refer to a topic. Through MOPC's weekly coding meetings, the themes from the listening session transcripts, such as culture, gender, structural inequality, employment, legal status, language, trust, and so on, were determined for the purpose of identifying how these themes are impacting the utilization of community mediation centers by traditionally marginalized populations. These identified themes are utilized as codes.

Intercoder reliability

Madhawa Palihapitiya (head of MOPC's research and evaluation unit), Jarling Ho (MOPC program manager), and Shino Yokotsuka (MOPC graduate research assistant) met weekly to discuss coding and created a codebook for analysis. Three coders looked at the transcriptions together to ensure inter-coder reliability.

QDA miner

To analyze transcribed and coded data systemically and qualitatively, an academic computer software called QDA Miner was utilized for this research. This content analysis software was

helpful in analyzing unstructured qualitative data such as open-ended survey responses and interviews.

Miro

Utilizing an online whiteboard app, Miro, the transcribed and coded listening session data was visualized to help readers understand the interconnectedness and complexities of various factors that influence the issue of utilization and underutilization of community mediation by underserved communities and populations.

Limitations, Challenges, and Lessons Learned

Building Trust

The level of trust required to engage marginalized communities/populations is high, and some centers learned, through this process, the enormous amount of effort that is needed to develop this trust and successfully connect with these communities. MOPC supported the Centers' efforts to overcome these hurdles by facilitating several planning meetings to discuss strategies and share effective practices. Despite these efforts, two centers were not able to conduct listening sessions because of the challenge of establishing trust with their target communities. Both MOPC and the centers agreed that trust building generally takes time, and therefore should not be rushed to schedule listening sessions to fit a project's planned timeline. Otherwise, the listening sessions would have been superficial and could potentially further disenfranchise the communities.

Outreach

Leveraging existing volunteers/staff/board members who were part of the target community was one of the most effective outreach approaches in this project. Centers that used this approach were able to set up listening sessions with relative ease. Personalized one-on-one outreach was another successful approach that one of the centers took to engage their target community (Latinx community in and around Cambridge). The graduate intern, who had a Hispanic heritage, reached out to potential listening session participants through LinkedIn. Using a key word search, people who were closely working with Latinx communities in Massachusetts were identified, and then personalized emails were crafted to invite them to have a one-to-one meeting to talk about challenges faced by Latinx communities. During those meetings information about the planned listening sessions was shared. Through this process, various representatives of organizations who support Latinx communities around employment, housing, and immigration were brought to the table.

Covid-19

The pandemic complicated various aspects of the PSGP, including outreach and listening session logistics. One of the centers tried to reach out to LGBTQ+ students and students of color at a local university, leveraging their undergraduate student intern who attended that university. However, because of the shutdown of all in-person events due to the outbreak of COVID-19,

traditional (and effective) in-person outreach could not be done and significantly hampered their efforts. Reaching key connected community members proved to be nearly impossible, as all the student groups had generic email contacts and staff contacts for these student groups were non-responsive. Attendance at remote events (through platforms like Zoom) was also fruitless.

Two-Tiered Collaborative Framework

MOPC set up this project from the framework of cultural humility and collaboration. Communities are experts that centers would tap into for knowledge and insight (cultural humility) and centers would then develop/change/refine programs or policies based on their findings from the listening sessions. Additionally, at the broader level, MOPC worked collaboratively with Centers, deferring to their local knowledge while providing guidance and support from a DEI lens. While simple in concept, the two-tiered framework was complex to apply and helped MOPC identify gaps and lessons learned for the future. First, centers need ongoing training and guidance on applying cultural humility. MOPC had provided a workshop for all centers in the prior year, and for this project MOPC gave a presentation during the orientation meeting, reviewing the approach. During individual meetings, MOPC supported the Center's outreach and listening session plans from the cultural humility framework but did not explicitly call attention to it or use the meetings to explain the application of it to the plans. As a result, some centers experienced difficulties connecting with the communities they had hoped to reach. Additionally, there were some lost opportunities during some of the listening sessions for centers to truly see the participants as experts of their own communities and understand those communities' needs at a deeper level. Second, this project needed to begin with in-depth training on outreach and cultural humility, as well as more frequent and regular learning community sessions for centers to learn from each other.

Design of and Execution of Listening Sessions

For centers to listen and learn from communities, thoughtful design and execution of the listening sessions were needed. This was even more important due to the limitations of gathering people due to the pandemic. Given the cultural humility framework, some of the Centers' framing of their listening sessions did not fall within this framework and MOPC realized that more specific guidance was necessary. For example, one Center's flyer originally stated "Learn about DEI in the mediation world as a community ambassador" which gave the impression that the center would be teaching participants about DEI rather than listening to them about how to better engage the community. The "pitch" to explain the listening session purpose was subsequently reframed to "a better alignment between community mediation centers and existing needs of unserved/underserved communities."

Language and Technology

One of the communities had limited access to technology as well as limited English proficiency. MOPC contracted with a company to provide interpreter services for the listening session and set up a meeting with the Center, interpreter, and MOPC to lay out the most effective setup for the

interpretation. All agreed on using simultaneous interpretation. However, MOPC and the center did not communicate on other logistics, specifically access to technology and how the community members would be attending the session. The setup resulted in an unknown number of community members attending in person at a partner organization's site, sharing one computer to attend the Zoom session with a representative of the partner organization relaying the questions and answers back and forth. Additionally, any questions or answers from the in-person participants required them to get up from their seat and walk to the one computer at the front of the room to ask/answer the question. Consequently, the physical setup of the room with one computer and the slowness of communication due to both the consecutive translation and reliance on a representative to communicate stilted the conversation. The lesson learned was that issues could have been avoided with clearer and more frequent ongoing communications with all organizations involved and giving centers flexibility to have one-on-one and/or multiple smaller group listening sessions. Additionally, another listening session's data was accidentally lost due to technical issues related to Zoom. Even though the zoom meeting was recorded throughout the listening session, the recorded data was not stored and was not able to be retrieved for unknown reasons. Although MOPC reached out to the IT team as well as Zoom technical support, the data was not able to be retrieved. MOPC could have used a backup such as using IC voice recorder while recording it through Zoom.

The following pages introduce a series of visuals that display correlations between different causes that could eventually generate positive, neutral, and negative impacts on the issue of underutilization of community mediation by marginalized communities and populations. For readers to effectively understand the visuals, here is a brief explanation on how to understand these visuals.

Each visual contains numerous boxes with different colors. Different colors are assigned based on different coding themes, which are parent codes as shown below.

- o **Red** (Power)
- o **Black** (Discrimination)
- o **Light green** (Language)
- o **Light yellow** (Inequality)
- o **Purple** (Conflict)
- o **Gray** (Awareness)
- o **Dark red** (Access)
- o **Smoke pink** (Barriers)
- o **Pink** (Gender)
- o **Yellow** (Culture)
- o **Dark green** (Trust)
- o **Dark Pink** (Utilization)
- o **Blue** (Deficits)
- o **Dark Blue** (Assets)

Additionally, there are **boxes with a peacock color and a thick bold black line**. These boxes illustrate the core problem that the study researchers were trying to examine throughout this PSG Diversity Project: utilization of community mediation centers by underrepresented populations/communities.

While each **box without a color** does not fall into coding themes, it captures and demonstrates what has been shared by listening session participants during listening sessions, giving deep contexts and backgrounds to each coding.

Arrows demonstrate correlations between boxes. For example, the box, “legal status (being undocumented)” seems to have correlations with various issues and conditions. For example, the arrow goes from the box “legal status” to “fear and trauma.” This illustrates that “legal status” is closely connected with “fear and trauma” of undocumented people, and such “fear and trauma” seems to be closely related to “barriers to participation,” preventing people from getting involved in community mediation services.

Here is how to read the visuals:

The visual displays correlations between various issues and conditions [shown by boxes without colors] that could have close ties with coding themes [demonstrated by colored boxes], which would eventually impact the degree of utilization of community mediation centers by underrepresented populations and communities [displayed by box with peacock color and a thick bold black line].

Awareness

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Awareness

Child code(s): (1) Awareness of mediation (2) Lack of awareness of mediation

Description: A lack of a clear understanding of mediation or community mediation as a process, method, and tool as something that could benefit you

Inclusion criteria: Includes misunderstandings of mediation as a process or in general.

Exclusion criteria: Excludes instances where mediation is not culturally appropriate.

Text example: *“I am not sure what you do in mediation.”*

Themes that Emerged from Listening Sessions

1. A Lack of Awareness of Community Mediation Services

Examples:

- “Regardless of where Brazilians that come here is from, they may or may not know what mediation is.”*
- “We will use the program, but can you be more specific? What kind of issues or situations we can bring up to you?”*
- “For the past week I have been asking friends, co-workers, if they knew about the [center name] Mediation. And they did not.”*

2. Marketing Strategies to Increase Awareness of Mediation

Examples:

- “But we could just do Banners, saying things like we are not just laborers. Or talk about mediation and say, ‘Do you know about us?’ Something interesting. Propaganda basically.”*
- “Let’s make a jingle. Let’s make a commercial. Very catchy!”*
- “Marketing is the core. But understanding your audience and bringing. It is all about your audience. How do you reach this audience? How do you make it work?”*
- “We have to do an advertising campaign.”*
- “Short videos? Because then you are really opening to a community, not really, they can read, but now understand what is written there.”*

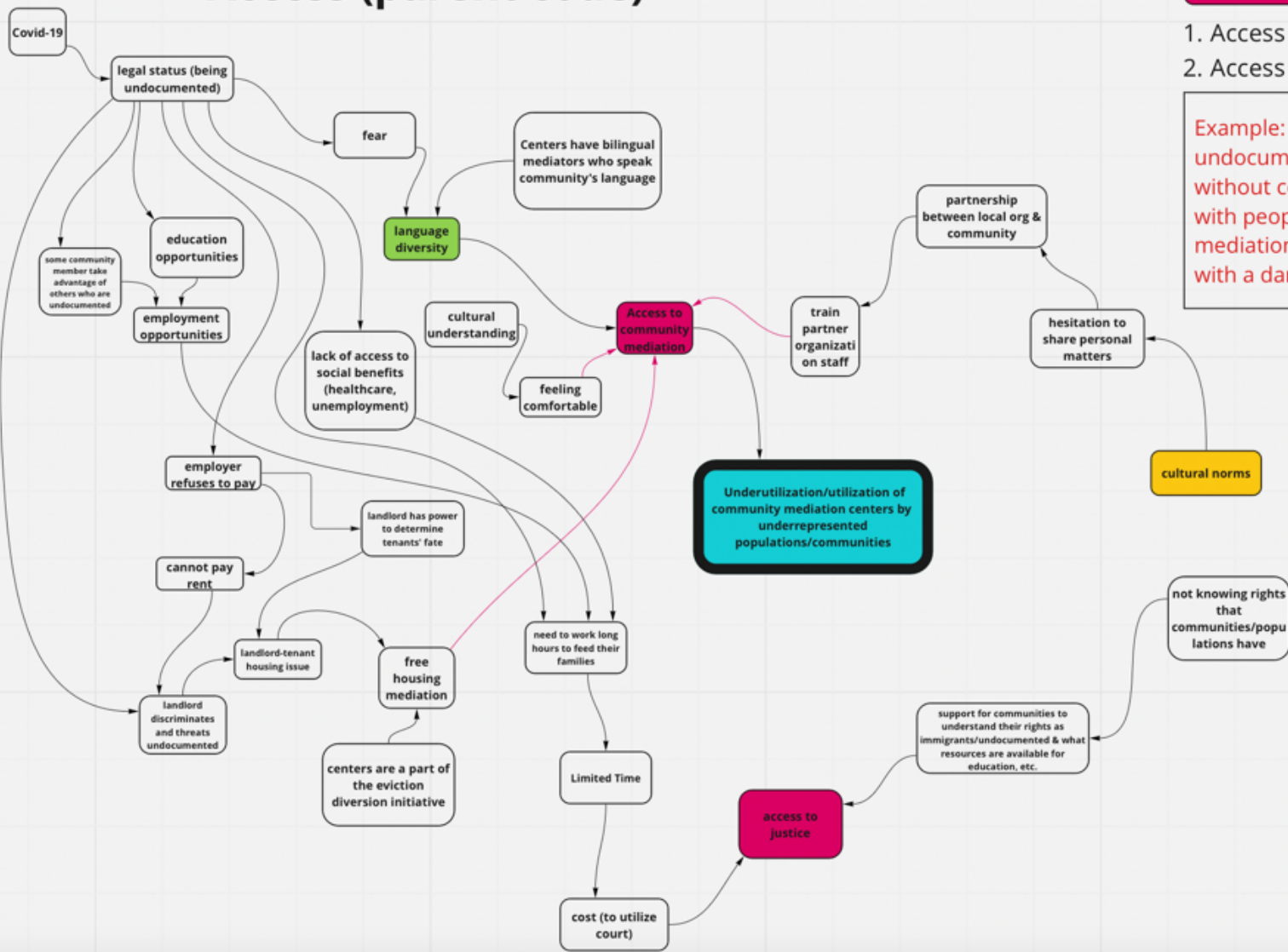
3. Trust Plays a Key Role in Increasing Awareness of Mediation

Examples:

- *“Yes, I think a partnership would be a good idea. Maybe you guys can come to the [city] office and do a presentation and workshop for our staff and invite the community to get to know your organization as well because until we started exchanging emails, I was not aware of your organization. So maybe just to let the community know that you guys are here and are available to help.”*
- *“Oh, I did that and it worked for me so you should go.”*
- *“Through word of mouth, clients do outreach for us.”*

Access

Access (parent code)



Access (Child Code)

1. Access to Community Mediation
2. Access to Justice

Example: Legal status (being undocumented) [shown by box without color] is closely connected with people's "access to community mediation" [demonstrated by box with a dark red color].

Access

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Access

Child code(s): (1) Access to community mediation (2) Access to justice

Description: General conditions enabling mediation access to communities and mediation increasing access to justice

Inclusion criteria: Includes parties having/gaining access to mediation and mediation is generally available and can lead to dispute resolution and deliver justice.

Exclusion criteria: Assets or deficits so they can be analyzed through separate codes.

Text example: “I was able to access mediation services in my community and feel justice was served.”

Themes that Emerged from Listening Sessions

1. Increasing Access to Community Mediation through Free Services, Language Diversity, Relationships, and Trust

Examples:

- “I was just going to say being free, I think it would help, but I do not think it would be enough. I think the center has to do a little bit more than just providing a free training.”
- “I think if the person can speak Portuguese, I think it does not matter if this person is from inside or outside the community.”
- “I think not only language but also understanding the community and where the community is at, what are the needs. So being comfortable with them as well.”
- “During our relationship, trust is very important as well, right? Because you do not want to talk to anyone bring your problems, whatever is happening in your life to anyone? That person could harm you. I guess you have to have trust. Like [name] said, being able to understand the community, relate to the community, and be a trustworthy person as well.”

2. Mediation Training for Local Partner Organizations’ Staff

Examples:

- “I think we work with the community already. Even if we do not want to, we mediate for our clients. So, knowing how to do it would be very helpful for doing our work well.”

- *“I often had clients where I had to be the mediator. And they see the work we are doing. Ok I want to volunteer for you guys when I can. So, if we have at least those people willing to volunteer, for our senior center, and getting them to get trained. It would be definitely very helpful.”*

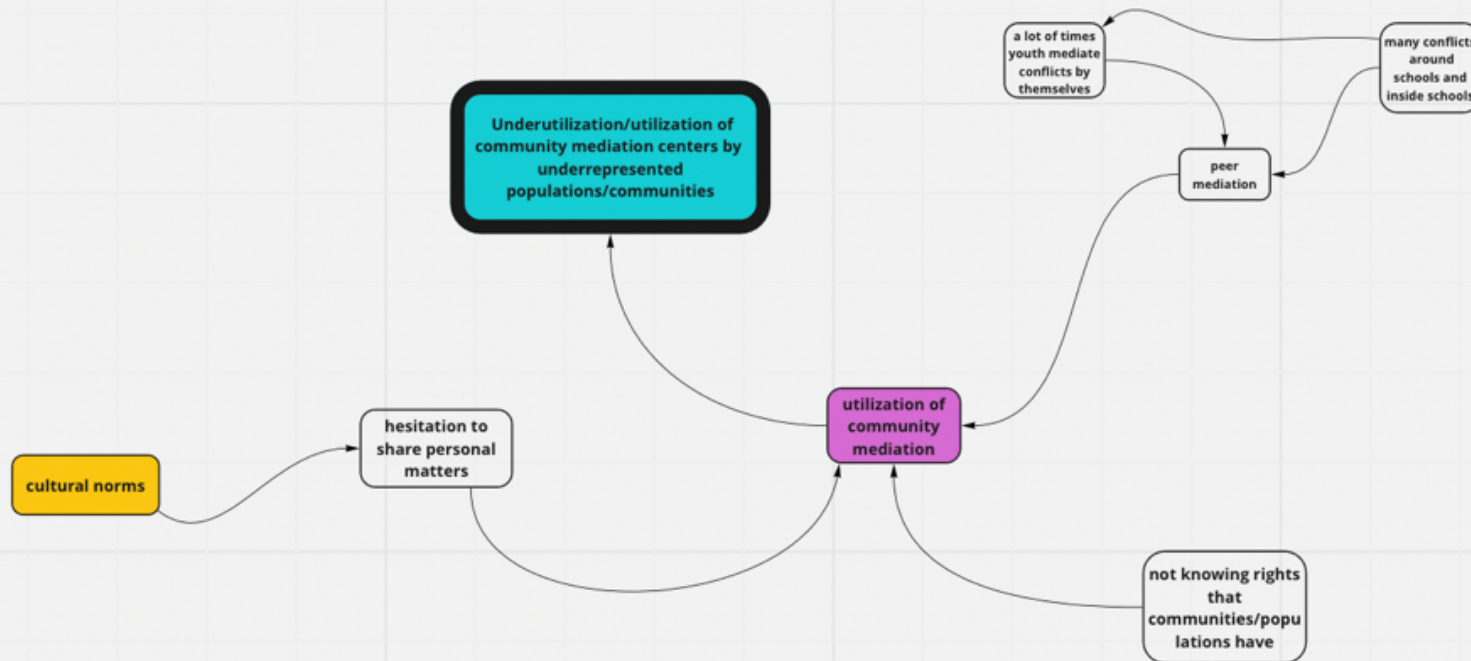
Utilization

Utilization (parent code)

Utilization (Child Code)

1. Utilization of Community Mediation

Example: "Hesitation to share personal matters" [shown by box without color] is closely connected with "utilization of community mediation" [demonstrated by box with a dark pink color].



Utilization

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Utilization

Child code(s): Utilization of community mediation

Description: Practical and effective use of mediation/community mediation

Inclusion criteria: Includes parties using/have used/feeling they can use mediation, community mediation and/or justice.

Exclusion criteria: All examples of community mediation utilization or lack of it except for utilization assets or gaps

Text example: *“I used mediation to address my housing dispute with my landlord and am satisfied with the outcome.”*

Themes

1. Mediation is Utilized by Youth in School Settings

Examples:

- “Like peer-mediation with the kids when there is a conflict, we basically sit them down, or take them out of the situation like say a game of dodge ball, or anything that take them away for an academic hour or whatever, just we sit them down, and ask them was that a right thing to do what happened to that person did that did that to you. Just let them talk out, it is saying that it is not naturally that you are in trouble, but we are trying to get to learn their standpoints.”*
- “Peer-mediation in high school...”*

2. Marginalized Populations Utilize the Courts due to Lack of Awareness of ADR

Example:

- “Immigrants do use the court, the court system. They are not familiar with the mediation system. But they do use a lot of the court system, and from time to time, I hear ‘Oh I am going to take somebody to court.’”*

3. Cultural Conditions May Affect the Utilization of Mediation

Example:

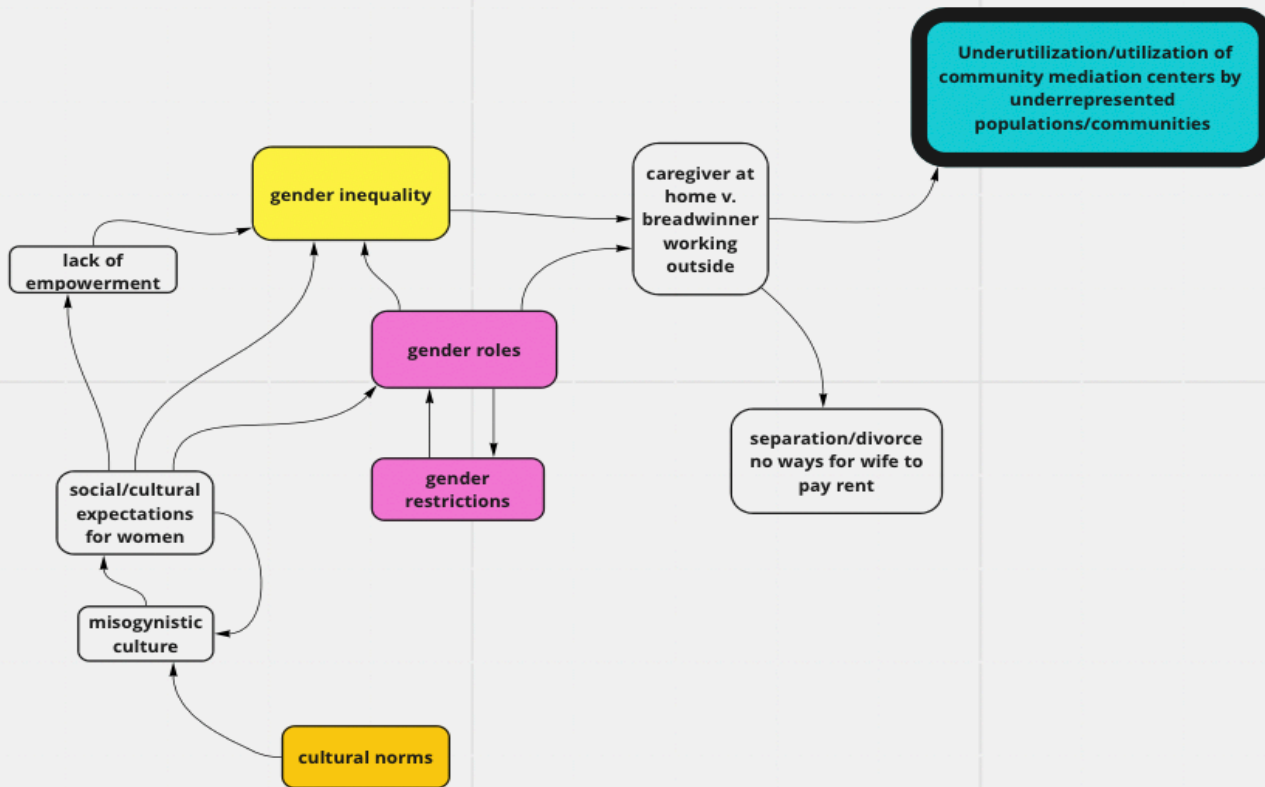
- “[Name] sister said if her sister is sitting next to her and if she has a problem, she cannot disclose it because everyone is sitting in the classroom. So, if someone speaks up, everyone would know about their life problems. So, they cannot share it. So, they*

will contact your organization. In order to feel welcome, they want to have one on one session so that they will have trust and share personal problems because personal life problems cannot be share in public such as in this place.”

Gender (parent code)

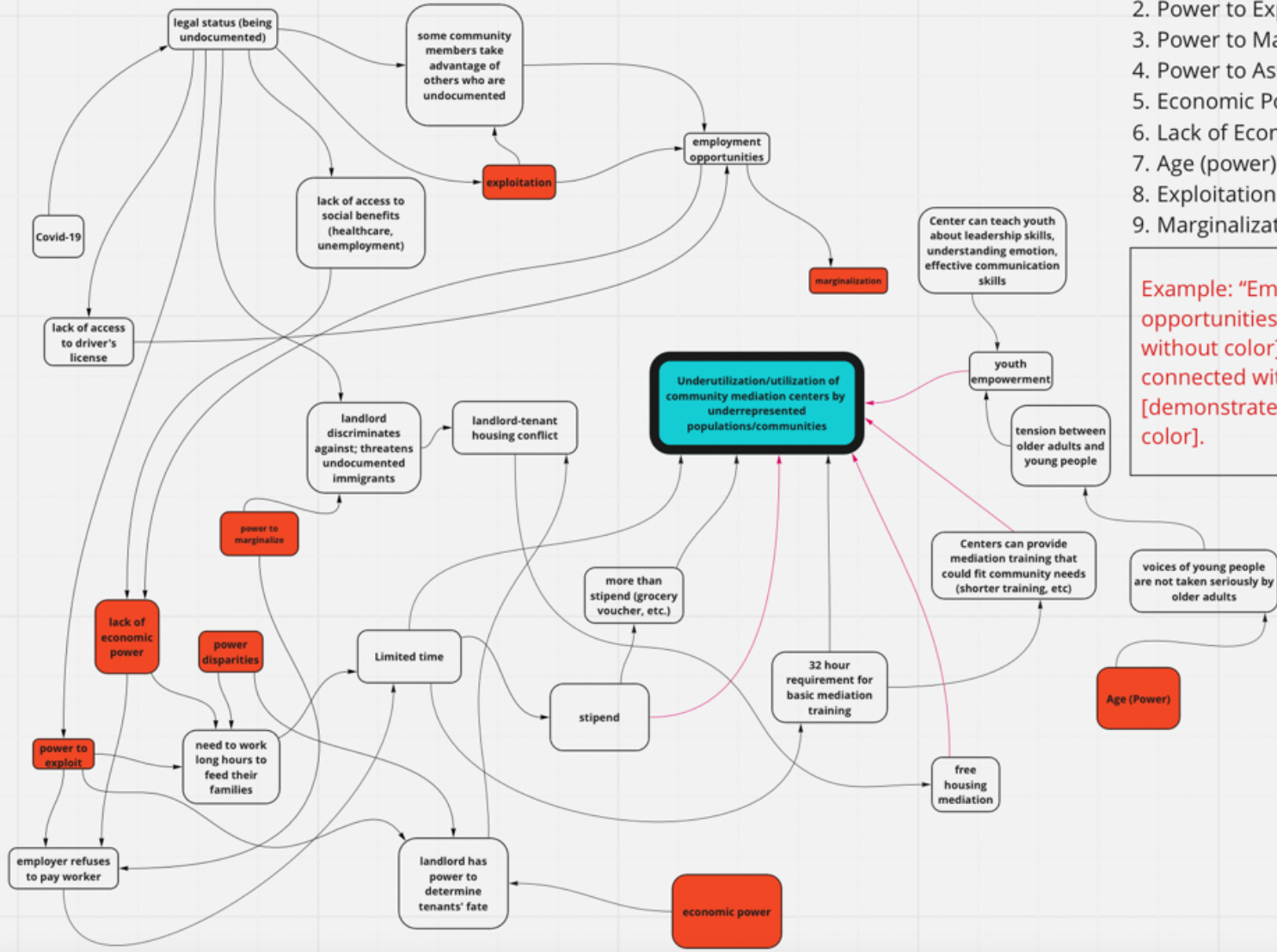
Gender (Child Code)

1. Gender Roles
2. Gender Restrictions



Example:
"social/cultural expectations for women" [shown by box without color] is closely connected with "gender roles" [demonstrated by box with a vivid pink color].

Power (parent code)



Child Code

1. Power Disparities
2. Power to Exploit
3. Power to Marginalize
4. Power to Assist
5. Economic Power
6. Lack of Economic Power
7. Age (power)
8. Exploitation
9. Marginalization

Inequality and Power

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Inequality

Child code(s): (1) *Structural*⁸ (2) *Systemic*⁹ (3) *Institutional*¹⁰ (4) *Gender Inequalities*

Description: Social inequality. Uneven allocation and distribution of resources

Inclusion criteria: Includes economic status, language acquisition opportunities, class status, etc.

Exclusion criteria: Excludes power and cultural aspects.

Text example: “I cannot participate in mediation because I don’t have the time.”

Parent code: Gender

Child code(s): (1) *Gender Roles* (2) *Gender Restrictions*

Description: Social, cultural, biological differences that may define male, female, or other identities

Inclusion criteria: Includes social as well as biological construction of gender and gender as an identity. Includes non-binary.

Exclusion criteria: Unknown

Text example: “My role is to cook and look after kids so I cannot become a mediator.”

Parent code: Power

Child code(s): (1) *Power Disparities* (2) *Power to Exploit* (3) *Power to Marginalize* (4) *Power to Assist* (5) *Economic Power* (6) *Lack of Economic Power*

Description: The capacity or ability to influence the behavior of others

⁸ Public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate inequity. Structural means a feature of the social, economic, and political systems in which we all exist.

⁹ In many ways “systemic racism” and “structural racism” are synonymous. If there is a difference between the terms, it can be said to exist in the fact that a structural racism analysis pays more attention to the historical, cultural, and social psychological aspects of our currently racialized society.

¹⁰ Refers to the policies and practices within and across institutions that, intentionally or not, produce outcomes that chronically favor, or put a group at a disadvantage/advantage. Poignant examples of institutional racism can be found in school disciplinary policies in which students of color are punished at much higher rates than their white counterparts, in the criminal justice system, and within many employment sectors in which day-to-day operations, as well as hiring and firing practices can significantly disadvantage workers of color.

Inclusion criteria: Includes power differences within and across parties/institutions/or the public that create and/or exacerbate marginalization and disparities in mediation/community mediation/access to justice. Includes power disparities that affect community mediation access, utilization, and delivery of justice.

Exclusion criteria: Excludes administrative or legislative power allocated for public purposes and exercised through democratic institutions.

Text example: *“I cannot negotiate my daily wages for fear of being reported to ICE.”*

Themes

1. Structural Inequality - Legal Status, Exploitation, and Economic Marginalization

Examples:

- “A lot of people are unable to pay their bills now because they do not have a job because of the pandemic. They are now not able to get another job. A lot of our clients are cleaners, working in restaurants and construction and are undocumented. So, they cannot apply for unemployment benefits.”*
- “There are a few people who work and do not get money for it. Yet because they are undocumented, they are afraid to do something or anything.”*
- “Yes, sometimes the contracting parties just disappear. They do not answer the phones. We have kids, what should we do now? I am afraid about doing anything because I do not have documentation. So that is it.”*
- “Just to add to this, it is like being undocumented, you only have access to very limited amounts of job positions. You could have a college education in your country. I do not know, be a teacher or doctor, but you will not be able to get those types of jobs without documents. So, you are limited in that sense.”*
- “Yeah, there are other types of conflicts that we have been seeing, especially during the pandemic: the housing issue. People are desperate because they cannot pay rent. And they are being discriminated by their landlords. And they have been receiving threats from them. They do not know what to do. They have no knowledge. And the lack of the language and also the information to the rights as tenants. It is a huge issue in our community.”*
- “I think the most cases we have is about the worker not being paid.”*

2. Institutional Inequality – Language

Examples:

- “Yes, I think the most problems the Brazilian people has, they do not speak English.”*
- “I do believe language is a barrier, once again.”*
- “I think for the community to get involved, you would have to be; they are really afraid of language. Because some people do not speak English, and so I do not want to get*

involved because I do not know what to do. I guess showing them that there is a way for them to do it, even though they do not speak English fluently, just taking their fear away from them would be a way to get more people involved.”

- *“I think that maybe a couple of people would be interested. And I think the barrier could be the language. Language could be a barrier. But depends on who is interested (in mediation training).”*
- *“The elder and older fellows in the older generation, sometimes there is a problem with English for them, so they need to rely on someone else for help.”*
- *“They do not know what to do, right. And also, some families who have teenagers or young people that were raised here. And even though their parents cannot speak English, sometimes teenagers cannot speak Portuguese.”*
- *“We have two fabulous interpreters, and having somebody honor staff who is bilingual and bicultural is so helpful as well.”*
- *“That are some signs that we hit the wall. Language barrier. Access to ESL classes is not available to everyone, I do not think there are enough teachers or enough classes for everyone. There is always a long list of people waiting. So, the language barrier is also lacking in the community: the opportunity to learn English.”*

3. Gender Inequality – Male-Dominating Culture and Gender Divisions of Labor Limit Women’s Social/Economic Activities

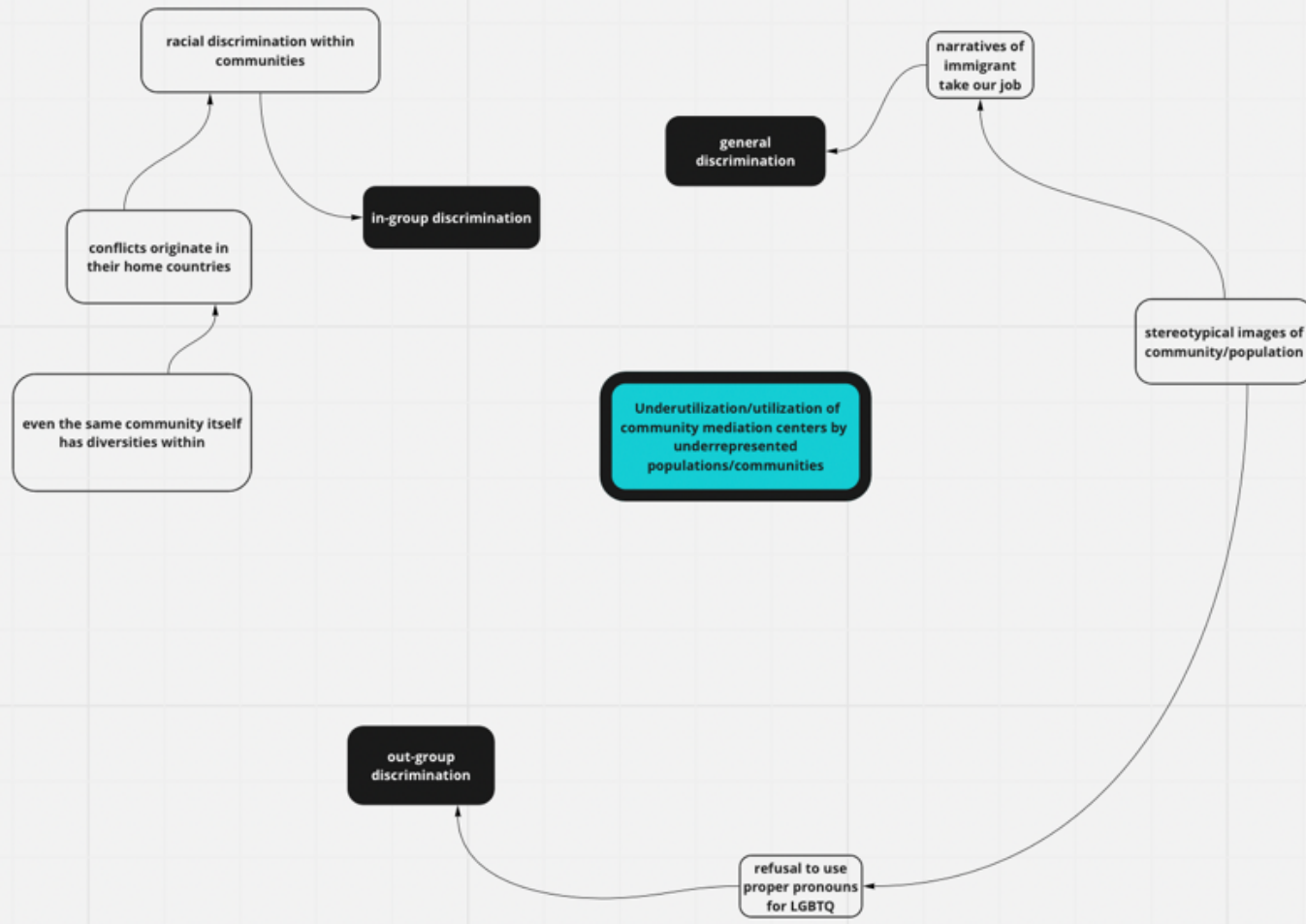
Examples:

- *“I think it lends itself a little bit of a lack of empowerment. I think the culture, machismo, misogynistic culture, is still very much alive especially within rural families.”*
- *“I think the mentality is probably at least a decade older in terms of male dominance for Brazilians in terms of egos.”*
- *“Sometimes even when we talk about money. Why cannot the woman take a financial course? Because the man is the one who really runs the house. What is the expression, breadwinner?”*
- *“Not being just a breadwinner but also the one in charge of all comes and goes.”*
- *“And some consistency that I see with what mothers shared with me is that they are spending a lot of time as caregivers and do not have many opportunities to go and do other things due to having children at home and not having transportation. I think that when we talk about gender roles, that also plays into why people are not able to access events going on in the community. So, I just wanted to put that up there.”*
- *“In American culture, it is more normal and common for fathers to take more childcare roles. It is very normal for women to just be a bit more independent. Go and do things. There is just a big difference. I am just putting in a scenario here, if Brazilian families are here for a long period of time and start assimilating into the community, these issues*

might come up because of their cultural differences with their gender roles. It is normal for Americans to do this, but it might create a conflict because of the culture.”

Discrimination

Discrimination (parent code)



Child Code

1. In-Group Discrimination
2. Out-Group Discrimination
3. General Discrimination

Example: "Narratives of immigrants taking our jobs" [shown by box without color] is closely connected with "general discrimination" [demonstrated by box with a black color].

Discrimination

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Discrimination

Child code(s): (1) In-Group Discrimination (2) Out-Group Discrimination (3) General Discrimination

Description: Includes discrimination within a group (immigrant group based on race, skin color class etc.), discrimination across groups and general discrimination

Inclusion criteria: All types of discrimination

Exclusion criteria: None

Text example: *“There is a narrative that immigrants are stealing their jobs.”*

Themes

1. General Discrimination: “Immigrants are Stealing our Jobs”

Examples:

- *“I had a situation and I think that happens across the island. I had a situation where I had a non-Brazilian worker. I had a general contractor coming to my house. And badmouth, yes, Brazilians in general for taking over the island, so this pejorative understanding that it is almost like badmouthing, Brazilians for overtaking over a labor market, something.”*
- *“It is always a free market, and someone else is taking our job.”*
- *“I think that that is one conflict that I definitely get a lot when I am talking to people, non-Brazilians who are talking about Brazilian community members taking their jobs, and this idea that they’re taking all of their resources and public charge, and not understanding the struggles of being an immigrant and the struggles of being undocumented and not having any of these resources, yet still paying taxes.”*

2. In-Group Discrimination: Discrimination within the Same Ethnic and Racial Groups

Examples:

- *“The community there is divided by races. In [region], there is a lot of community members from Guatemala. And I came from Guatemala too. We are, you know, indigenous people. There are still a lot of people from El Salvador and Honduras, and we consider ourselves all Latinos, but there is a lot of, you know, racism between us, you know. Just by how you look, you know, and that is a conflict that divides our community, you know, every day at work, and you know, everywhere.”*

- *“Even within Latino community, their cultures are different. And racial and ethnic backgrounds are different. I guess there is this kind of like colorism and racism that I hear within interpersonal interactions with people in your own community whether they are Central Americans, South Americans, from the Caribbean, things like that.”*

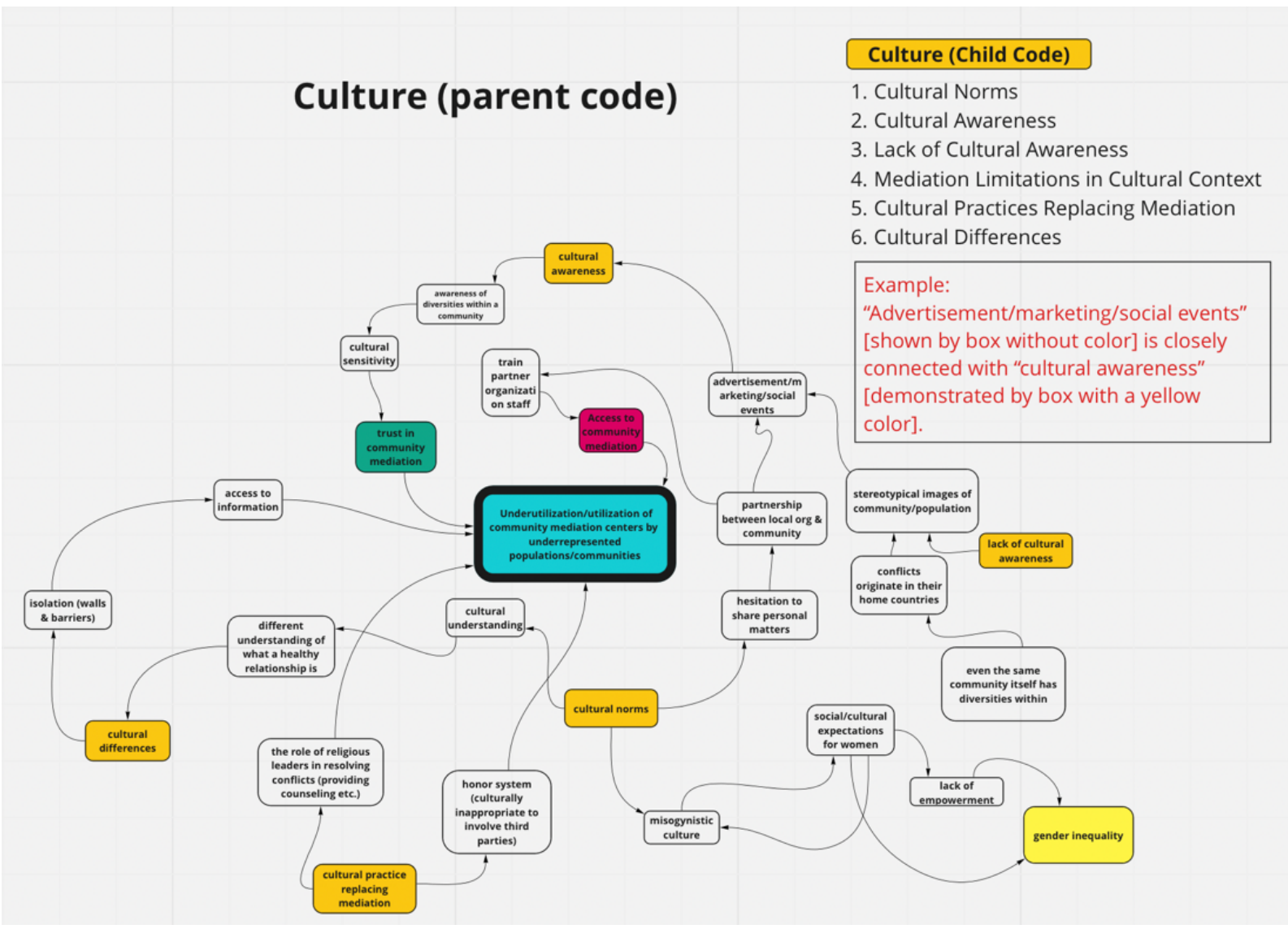
Culture

Culture (parent code)

Culture (Child Code)

1. Cultural Norms
2. Cultural Awareness
3. Lack of Cultural Awareness
4. Mediation Limitations in Cultural Context
5. Cultural Practices Replacing Mediation
6. Cultural Differences

Example:
 "Advertisement/marketing/social events"
 [shown by box without color] is closely
 connected with "cultural awareness"
 [demonstrated by box with a yellow
 color].



Culture

The data being presented is taken from the following coding structures.

Parent code: Culture

Child code(s): (1) Cultural conditioning (2) Cultural awareness (4) Lack of cultural awareness (5) Mediation limitations in cultural context (6) Cultural practices replacing mediation.

Description: Customs, traditions, arts, and values setting apart one group from another

Inclusion criteria: Includes stereotypes, cultural dispositions like being shy/perception of shyness, distrust in authority, reliance on religious institutions, regional dynamics, generational dynamics etc.

Exclusion criteria: Excludes disorganized cultural practices.

Text example: *“Discussing personal matters with an outsider is not possible for me. It's not my culture.”*

Themes

1. Some communities feel uncomfortable sharing private information in front of others.

Examples:

- “There are many Khmer people in the community. Have a look at the camera, at their faces because some of them are shy.”*
- “It is not that they have no questions; It is just that they look at each other and do not want to speak anything; it is not that they have no answers.”*
- “Some of our fellows are shy; they are kind of shy and I will go, and they will give answers to me, and I will present the questions to all of you.”*

2. Some communities utilize the conflict management system with a great focus on relationships such as the honor and handshake systems.

Examples:

- “I have met throughout the years many people from small rural towns in [region]. [Region] is a large state that has the most number of towns in Brazil as a state. There are thousands of small little towns. What I have learned from them is that they were raised with the honor system, so they make deals with handshakes, and they try to figure it out not through mediation but through discussion, a loud discussion between them. So, it is a challenge to try to introduce mediation because there will be a person in the middle that they do not know, is not a part of family or in the same town, but it is durable I think.”*
- “Yes, I wrote about the honor system and handshake system from Brazil. Because I definitely have heard about that in cases that we have had. That is a big contradiction,*

right? When you come from a system like that. And when you come here, we are saying here are people certified by Massachusetts to provide you with mediation. It is like what is that? So different.”

- “That is a different way of resolving conflicts, right”*
- “You are not a pastor from my church. You are not a family member. You are not from my little town. How does that work, right? That is a big cultural difference.”*

3. Religious leaders play a major role in helping community members resolve conflicts.

Examples:

- “But I know that there are strong connections with families, church and the Brazilian community.”*
- “Yes, the church is a huge weight on the Brazilian community, and I do not know how to deal with it.”*
- “But if something happens, of course, normally people ask me for counseling. And as a minister, basically we consult to the Bible, and we do not use, normally I do not use my own voice to say, I just guide them with what I believe, and I teach what is in the Bible. Of course, I can say what I feel is right too. It is legal way to do it. I have been through different situations. So, I have got involved to help and brought different people that are helping to solve problems. Yes, sometimes it comes across in my life.”*

4. There is a lack of awareness of the cultures of marginalized populations.

Examples:

- “Americans do not grow up learning anything about Brazilian culture. They have literally no idea. There Americans think Brazilians speak Spanish. Literally no idea about what goes on in Brazil. What the Festa Junina is and Carnival.”*
- “There is nothing that unifies them culturally, it is exactly what [name] said. We are known for our labor force. There are a lot of workers. That is not all we are. That is not a fair representation of Brazilian population abroad. We have so much more. But nobody is talking about it and recognizing it.”*
- “Because you cannot forget how continental and big the country is. Brazil is huge and is very regional. I am from down South, so we brought Uruguay and Argentina. We have a little bit of different flavors and tastes; we got Italian and German immigrants. Then, we go to North, it is very Indian looking, Amazonian looking, different skin colors, it is very different. And they have different tastes in food. They call different names. You have to be very careful in not to exclude people in different regions in Brazil because I think the majority are from [region] in your eyes.”*

5. Better marketing and outreach efforts initiated by marginalized communities may help bring awareness to their culture.

Examples:

- *“Marketing is the core. But understanding your audience and bringing. It is all about your audience. How do you reach this audience? How do you make it work?”*
- *“When I lived in Athens, Greece, we just asked for a grant from the consulate and the embassy so we could bring some dancers. And showcase a little bit of culture. There are dancers from Pernambuco dancing with umbrellas. There are dancers from down South, Gauchos. There is so much to showcase. I think Americans would be, Ah, they will be delighted to see how diverse and how rich the culture is. I think they will start to look at it as more interesting, just instead of just laborers. I do not know.”*

6. Different cultures may have different understandings of community mediation.

Example:

- *“[Name] and I are from [region]. So, we have a different perspective and education and everything, experience on. I think the first step is probably educating what mediation is. Regardless of where Brazilians that come here is from, they may or may not know what mediation is. Just saying what it is.”*

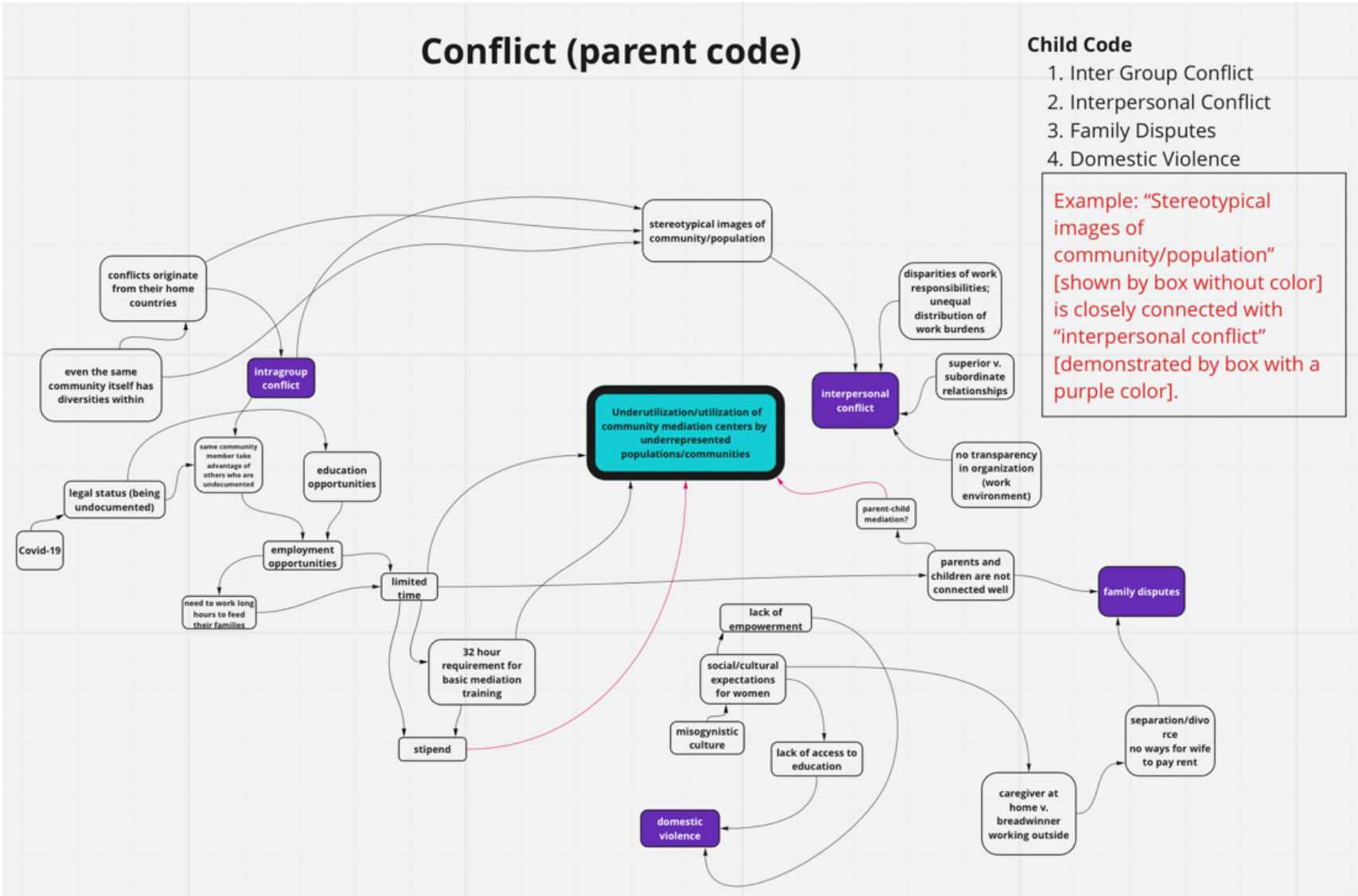
Conflict

Conflict (parent code)

Child Code

1. Inter Group Conflict
2. Interpersonal Conflict
3. Family Disputes
4. Domestic Violence

Example: "Stereotypical images of community/population" [shown by box without color] is closely connected with "interpersonal conflict" [demonstrated by box with a purple color].



Conflict

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Conflict

Child code(s): (1) Intergroup Conflict (2) Interpersonal Conflict (3) Family Disputes (4) Domestic Violence

Description: Conflict includes interpersonal, inter group, family, and domestic violence

Inclusion criteria: Interpersonal, group conflict, family disputes, including domestic violence

Exclusion criteria: Societal conflict, political conflict, and violence.

Text example: *“There exists conflict within our community.”*

Themes

1. Intragroup conflicts exist within communities

Examples:

- *“Community members are in conflict with each other. I think [name] even mentioned this a little bit yesterday, how they come from Brazil with certain level of conflicts because it is such a small community from Brazil, there are all Brazilians from all over Brazil here, a majority of people are from these two small towns [region] and [region] that we mentioned yesterday.”*
- *“So, I think that could lend itself to what I am commenting on, if that makes sense about intercommunity conflict in terms of one taking advantage of the other, instead of working together. This is what I heard a lot.”*
- *“Yeah, and then, also conflicts that form once they arrive here too. Just based on work or even it could be housing or different things.”*

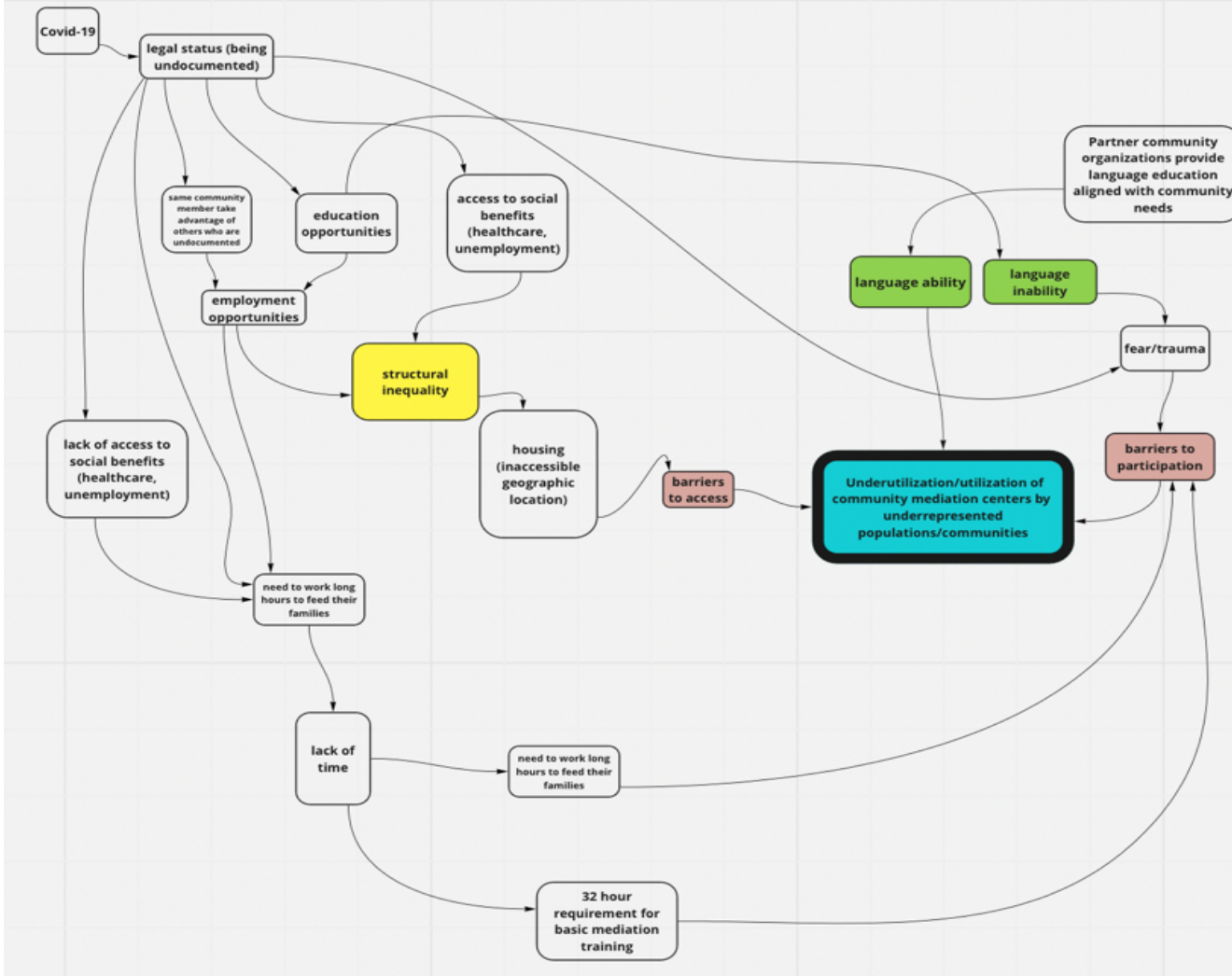
2. Communities face high levels of family dispute

Examples:

- *“Families will not talk very well. They are tired when they get home. There are a lot of stuffs that can happen when people do not have enough time to spend with their families and have a good relationship with, going to church and do whatever they want to do it.”*
- *“They talk with people at job but not with the family.”*
- *“I think that within the house and within the family yes. Like you said, it is like a 10-year delay, right? (Equality of men and women)”*

Barriers

Barriers (parent code)



Barriers (Child Code)

1. Barriers to Participation
2. Barriers to Access

Example: "Fear/trauma" [shown by box without color] is closely connected with "barriers to participation" [demonstrated by box with a smoke pink color].

Barriers

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Barriers

Child code(s): (1) Barriers to Participation (2) Barriers to Access

Description: Barriers to general participation in mediation, community mediation and general access to mediation/community mediation

Inclusion criteria: Any barriers described by participants that act as an obstacle to either participating in community mediation and/or receiving mediation services from a Center

Exclusion criteria: Barriers other than systemic, institutional, and structural that hinder participating in community mediation or receiving services from community mediation

Text example: *“I want to participate in community mediation, but I do not have time.”*

Themes

1. Lack of time

Examples:

- “They do not have time to do that.”*
- “They work too much.”*
- “Time, you know.”*
- “They want it to be a mandatory process, something that has more teeth to it. They do not like the idea that when we call people and say it is voluntary and you can choose not to participate. Waste of time? Why did I even put energy into it?”*

2. Lack of available transportation

Example:

- “But they are in Boston, not in Framingham. Sometimes is complicated for people to go there. Ok? I think we would be helpful if we have someone here or nearby to help with that.”*

Deficits (Gaps and Needs)

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Deficits

Child code(s): (1) Gaps (2) Needs (3) Center needs (4) Community needs

Description: Gaps in results, needs, deficits

Inclusion criteria: Includes gaps in results between current and desired results

Exclusion criteria: Excludes things that are already there/assets

Text example: "I cannot afford mediation training expenses, but I would really like to become a mediator."

Themes

1. Gaps

Examples:

- Language*
- Marketing Strategies*
- Agency and leadership*
- Connection between children and parents*
- Places for children to express their energy*
- Assistance for families*

2. General needs

Examples:

- Access to Education and Healthcare*
- Trauma Informed Conflict Resolution Services*
- Stipends/Other incentives to Get Involved in Activities Outside Work*
- Outdoor Events to Spread Culture and Understanding of Communities*
- Marketing Strategies to Share People's Testimonials who have used Community Mediation Services*

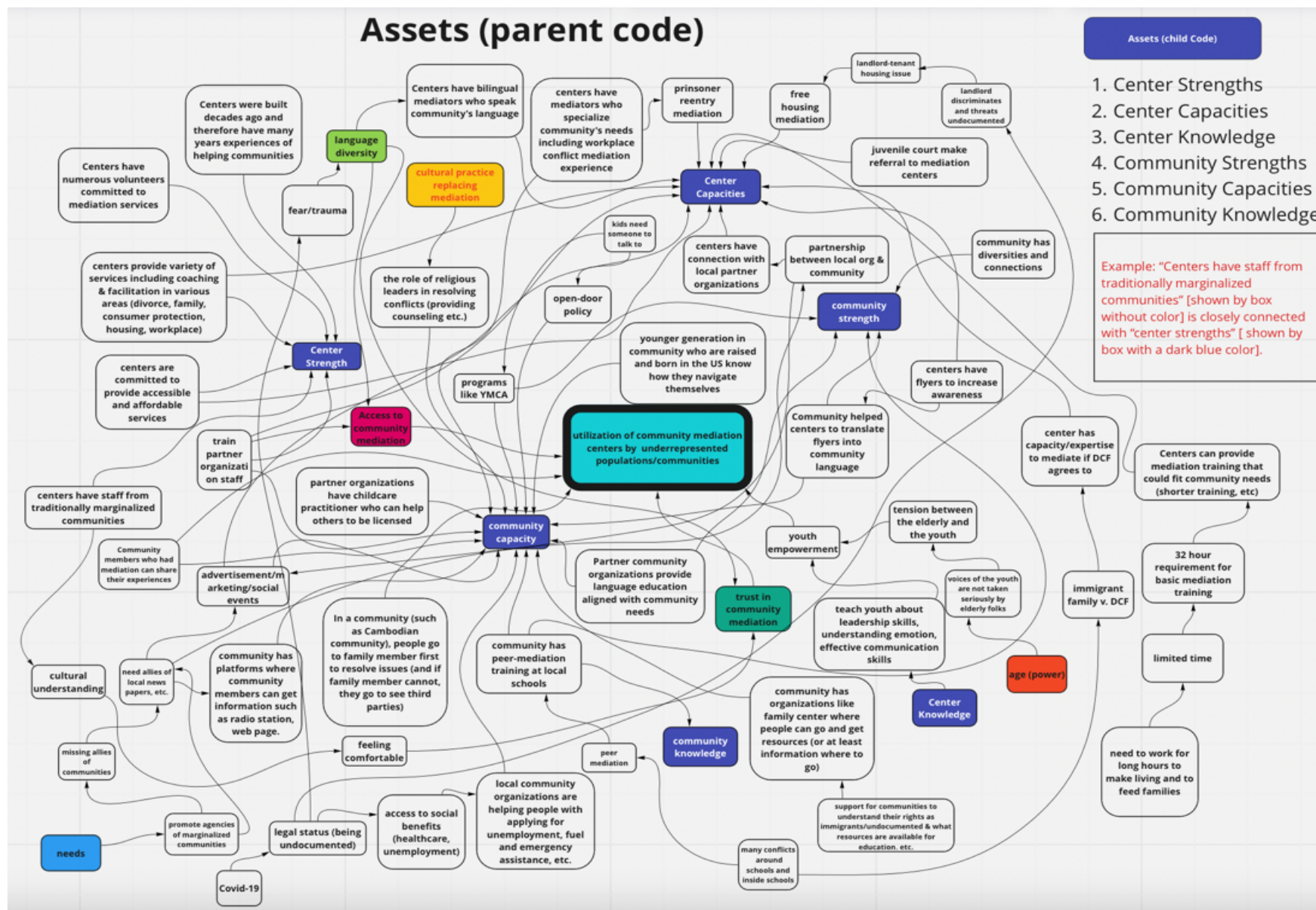
3. Community Needs

Examples:

- Childcare Services*
- Family Support*
- Housing Needs*

- Basic Needs*
- Access to Technology*
- Utility/Rent/Unemployment Assistance*
- Assistance in Negotiating with Employers*
- Workplace Conflicts*
- Access to Jobs*
- Health and Financial Concerns during the Pandemic*
- Mental Health*
- Conflicts in School*
- Understanding Different Levels of Education*
- Nutrition Education for Children*
- Immigration Issues*
- Assistance in Paying for Funerals and Taking Care of Children with Disabilities*

Assets



Assets

The data being presented is taken from the following coding structures and is organized into these themes.

Parent code: Assets

Child code(s): (1) Center strengths, capacities, knowledge (2) Community strengths, capacities, knowledge

Description: What is already there at the center or in a community like knowledge, skills etc.

Inclusion criteria: Includes what is already there like knowledge, skills, money, processes, networks etc.

Exclusion criteria: Excludes what's missing/needs/gaps in results.

Text example: *“Centers have mediation trainers and funding from MOPC.”*

Themes

1. Center knowledge of mediation

Example:

- *“So just a recap. Mediation is a way for people to come together, face to face, and talk things out. Mediators do not make decisions. They do not decide who is right or wrong. They create that safe place for people to have difficult conversations. And what we know after decades of experience is the challenges of getting people to the table, once they are at the table, they are able to work things out 7 out of 10 times. And those 3 at 10 maybe did not work things out, but they heard each other. They are able to hear each other's perspectives, and maybe understand each other a little better, even if they do not fully agree. So, mediation is the focus of our listening session.”*

2. Center strengths

Example:

- *Diverse staff members - “[Name] is our staff member, and she speaks fluent Portuguese, and she is a Brazilian. That has been a huge addition for us. Our goal has always been to serve an entire community. We have two fabulous interpreters, and having somebody honor staff who is bilingual and bicultural is so helpful as well.”*
- *Specialized services - “Ah, one thing to highlight when I mentioned that we also handle needs in the community that have gone unmet, one of our newest initiatives, is what is called a prisoner re-entry mediation project, helping prisoners who are about to be released back to the community, connect with people, they might have leftover business with, to provide mediation and what we know we have learned from the state of Maryland*

who has been a pioneer of this prisoner reentry mediation programs that every hour of mediation of recidivism is eliminated, which is a pretty powerful piece of data.”

- Local experience - “Our organization was founded in [city] 40 years ago. And we started it as the [city] Court mediation services. We have since expanded to serve a wider community.”*

3. Center capacities

Examples:

- Workplace conflict training*
- Family mediation*
- Facilitation*
- Coaching*
- Youth training*
- Consumer protection*
- Housing mediation*
- Mediation and conflict resolution training*

4. Community strengths and capacities

Examples:

- Peer mediation services/training in local schools – “So I had peer-mediation in high school because there were a lot of conflicts around the school and inside the school.”*
- Community-based organizations that support youth and families such as YMCA and family centers – “Ah, YMCA, I know there is a different program like that.”*
- Local organizations with bilingual staff – “Yeah, I am thinking it is really good that the Portuguese centers that we have at least one person trained.”*
- Local organizations who provide support for community members’ essential needs (e.g., assisting people with filing for unemployment) and education for second/third generation children about their identities – “We assist with all those things, appointments, booking appointment, explaining things, educating the communities.”*
- Local youth organization staff who are seen as brothers or sisters to the youth – “A lot of these kids see us, the staff, like a big brother or older sibling kind of situation. You see that. We also see that in younger kids as well.”*

- *Local family members/neighbors – “If we have conflicts with family members and neighbors, we can depend on the community, a person who knows the law, sometimes, we can solve own problems within our own family.”*
- *Local pastors who provide counseling to community members - “But if something happens, of course, normally people ask me for counseling.”*
- *Youth enhance community capacities by assisting other community members, providing language assistance, spreading the word through social media, etc. – “The younger generation like me, you know, I would go, you know, online and make a phone call, and I would know what the circumstances are and how to contact help.”*

References

- Abzug, R. (1996). The evolution of trusteeship in the United States: A roundup of findings from six cities. *Nonprofit Management and Leadership*, 7(1), 101–111.
<https://doi.org/10.1002/nml.4130070110>
- Adler, P.S. (1987). Is ADR a Social Movement? *Negotiation Journal*, 3, 59-70.
<https://doi.org/10.1111/j.1571-9979.1987.tb00392.x>
- ADR Times. (2023, April). Mediation Marketing: How to Market Your Mediation Practice.
<https://www.adrtimes.com/mediation-marketing/>
- American Evaluation Association. (2018). Guiding Principles for Evaluators.
https://www.eval.org/Portals/0/Docs/AEA_28939818_GuidingPrinciples_Brochure_2.pdf
- American Evaluation Association. (2011, April). Public Statement on Cultural Competence in Evaluation. <https://www.eval.org/Portals/0/Docs/aea.cultural.competence.statement.pdf>
- Anderson, M. A., & Mastri, A. (2021, July). Culturally Responsive and Equitable Evaluation for Federal Evaluation Staff. *Mathematica*.
<https://www.mathematica.org/publications/culturally-responsive-and-equitable-evaluation-for-federal-evaluation-staff>
- Authorization of Alternative Dispute Resolution, 28 U.S.C. § 651 (1998). <https://adr.gov/wp-content/uploads/2022/02/28-USC-651.pdf>
- Bamberger, M., & Segone, M. (2011). How to design and manage Equity-focused evaluations. *UNICEF*. <https://agora.unicef.org/course/info.php?id=1238>
- Beavers, D. (2018, March). Diversity, Equity and Inclusion Framework: Reclaiming Diversity, Equity and Inclusion for Racial Justice. *The Greenlining Institute*.
<https://greenlining.org/wp-content/uploads/2018/05/Racial-Equity-Framework.pdf>
- Bernstein, R., Aulgur, J., & Freiwirth, J. (2019). Racial Equity, Diversity, and Inclusion in Nonprofit Governance. *Journal of Nonprofit Education and Leadership*, 9(4), 378-418.
<https://doi.org/10.18666/JNEL-2019-V9-I4-10071>
- Bieretz, B., Burrowes, K., & Bramhall, E. (2020). Getting Landlords and Tenants to Talk: The Use of Mediation in Eviction. *Urban Institute*.
https://www.urban.org/sites/default/files/publication/101991/getting-landlords-and-tenants-to-talk_3.pdf
- BoardSource. (2021, June). Leading with Intent: BoardSource Index of Nonprofit Board Practices. <https://leadingwithintent.org/wp-content/uploads/2021/06/2021-Leading-with-Intent-Report.pdf?hsCtaTracking=60281ff7-cadf-4b2f-b5a0-94ebff5a2c25%7C428c6485-37ba-40f0-a939-aeda82c02f38>

- Bowland, S. Y., Batts, H., Roy, B., & Trujillo, M. A. (2022). *Beyond Equity and Inclusion in Conflict Resolution: Recentering the Profession*. Rowman and Littlefield.
- Boyarski, L. (2018). Advancing racial equity within nonprofit organizations. *Georgetown University McCourt School of Public Policy Center for Public and Nonprofit Leadership*. <https://georgetown.app.box.com/s/8o9a4xajp6pd1zkjujzi1xac4wmadakq>
- Bradshaw, P., & Fredette, C. (2013). Determinants of the range of ethnocultural diversity on nonprofit boards: A study of large Canadian nonprofit organizations. *Nonprofit and Voluntary Sector Quarterly*, 42(6), 1111–1133. <https://doi.org/https://doi.org/10.1177/0899764012453085>
- Carter, D. A., Simkins, B. J., & Simpson, W. G. (2003). Corporate governance, board diversity, and firm value. *The Financial Review*, 38(1), 33–53. <https://doi.org/https://doi.org/10.1111/1540-6288.00034>
- Charkoudian, L., & Wayne E.K. (2009). Does It Matter if My Mediator Looks Like Me? The Impact of Racially Matching Participants and Mediators. *Dispute Resolution Magazine*. <https://mdmediation.org/wp-content/uploads/2020/12/Does-it-Matter-if-My-Mediator-Looks-Like-Me.pdf>
- Cohn, C. (2013). *Women and wars: Contested histories, uncertain futures*. (C. Cohn, Ed.). Malden, MA: Polity Press.
- Collins, P. H. (1998). Intersections of Race, Class, Gender, and Nation: Some Implications for Black Family Studies. *Journal of Comparative Family Studies*, 29(1), 27–36. <https://www.jstor.org/stable/41603544>
- Community Mediation Maryland. (n.d.). About Us. Retrieved March 30, 2023, <https://mdmediation.org/about-us/>
- COPDEI. (2019, June 6). Diversity Assessment Tools. <https://copdei.extension.org/diversity-assessment-tools/>
- Couch, M. (2021). It's More Than the Numbers: Organizational Culture And Diversity, Equity And Inclusion. *Forbes*. <https://www.forbes.com/sites/forbescoachescouncil/2021/04/28/its-more-than-the-numbers-organizational-culture-and-diversity-equity-and-inclusion/?sh=4bd0edfe340b>
- Coy, P.G., & Hedeon, T. (2005). A Stage Model of Social Movement Co-Optation: Community Mediation in the United States. *The Sociological Quarterly*, 46:3, 405-435, <https://doi.org/10.1111/j.1533-8525.2005.00020.x>
- Daley, J. M., & Angulo, J. (1994). Understanding the dynamics of diversity within nonprofit boards. *Journal of the Community Development Society*, 25(2), 172–188. <https://www.tandfonline.com/doi/abs/10.1080/15575339409489879>

- Davidson, C. (2009). Transcription: Imperatives for qualitative research. *International Journal of Qualitative Methods*, 8(2), 35–52.
<https://doi.org/https://doi.org/10.1177/160940690900800206>
- Davis, W. & Turku, H. (2011). Access to Justice and Alternative Dispute Resolution. *Journal of Dispute Resolution*, 2011(1), 47–66.
<https://scholarship.law.missouri.edu/jdr/vol2011/iss1/4/>
- Dean-Coffey, J. (2018). What’s Race Got to Do with It? Equity and Philanthropic Evaluation Practice. *American Journal of Evaluation*, 39(4), 527–542.
<https://doi.org/10.1177/1098214018778533>
- Dong, S. (2021, June 2). The History and Growth of Diversity, Equity, and Inclusion Profession. *Insights*. <https://insights.grcglobalgroup.com/the-history-and-growth-of-the-diversity-equity-and-inclusion-profession/>
- Dubb, S. (2018, January 11). Former Nonprofit CEO Asks Why Boards Are So White and Suggests Steps. *Non Profit Quarterly*. <https://nonprofitquarterly.org/former-nonprofit-ceo-asks-boards-white-suggests-steps/>
- Equity in the Center. (2018). Awake to Woke to Work : Building a Race Equity Culture.
<https://equityinthecenter.org/aww/>
- Francioni, F. (2009). Access to Justice, Denial of Justice and International Investment Law. *European Journal of International Law*, 20(3), 729–747.
<https://doi.org/10.1093/ejil/chp057>
- Fredette, C., & Bernstein, R. S. (2019). Ethno-racial diversity on nonprofit boards: A critical mass perspective. *Nonprofit and Voluntary Sector Quarterly*, 48(5), 931-952.
<https://doi.org/https://doi.org/10.1177/0899764019839778>
- Garcia, J. (2016, June 7). Diversity recruitment key to nonprofit boards achieving mission. *Arizona State University – Morrison Institute for Public Policy*.
<https://morrisoninstitute.asu.edu/content/diversity-recruitment-key-nonprofit-boards-achieving-mission>
- Gazley, B., Chang, W. K., & Bingham, L. B. (2010). Board Diversity, Stakeholder Representation, and Collaborative Performance in Community Mediation Centers. *Public Administration Review*, 70(4), 610–620. <https://doi.org/10.1111/j.1540-6210.2010.02182.x>
- Goetz, E. (2011). Gentrification in black and white: The racial impact of public housing demolition in American cities. *Urban Studies*, 48(8), 1581–1604.
<https://doi.org/https://doi.org/10.1177/0042098010375323>

- Hall, S. H. (2022, December 16). 9 Ways to Measure the Success of Your DEI Strategy in 2023. *Senior Executive*. <https://seniorexecutive.com/9-ways-to-measure-the-success-of-your-dei-strategy/>
- Hedeen, T. & Coy, P. G. (Summer 2000). Community Mediation and the Court System: The Ties That Bind. *Mediation Quarterly*, 17:4, 351-366. <https://doi.org/10.1002/crq.3890170407>
- Hartley, R.E., Fish, A., & Beck, C. (2003). Regulations as an Instrument of Cooptation. Presented at the June 2003 meeting of the Law and Society Association, June 5–8, Pittsburgh, PA.
- Ho, H. K. (2017, September 18). 8 Ways People of Color are Tokenized in Nonprofits. *The Nonprofit Revolution*. <https://medium.com/the-nonprofit-revolution/8-ways-people-of-color-are-tokenized-in-nonprofits-32138d0860c1>
- Hom, L. D. (2022). The racial formation of Asian American non-profit work in Orange County, California. *Public Integrity*, 24(6), 600–613. <https://doi.org/https://doi.org/10.1080/10999922.2022.2040794>
- Hood, S., Hopson, R. K., & Kirkhart, K. E. (2015). Culturally Responsive Evaluation. In *Handbook of Practical Program Evaluation* (eds K.E. Newcomer, H.P. Hatry and J.S. Wholey). <https://doi.org/10.1002/9781119171386.ch12>
- Horwitz, S. K., & Horwitz, I. B. (2007). The effects of team diversity on team outcomes: A meta-analytic review of team demography. *Journal of Management*, 33(6), 987–1015. <https://doi.org/https://doi.org/10.1177/0149206307308587>
- Hudson, H. (2005). ‘Doing’ Security as Though Humans Matter: A Feminist Perspective on Gender and the Politics of Human Security. *Security Dialogue*, 36(2), 155–174. <https://www.jstor.org/stable/26298885>
- Hunter, G., Bhardwa, B., Dinisman, T., Moroz, A., Anastassiou, A., & Lynall, A. (2022). Language barriers in the criminal justice system. *Institute for Crime and Justice Policy Research*. <https://www.bell-foundation.org.uk/app/uploads/2022/03/Language-barriers-in-the-criminal-justice-system.pdf>
- Hustinx, L., Grubb, A., Rameder, P., & Y. Shachar, I. (2022). Inequality in Volunteering: Building a New Research Front. *Voluntas*, 33, 1–17. <https://link.springer.com/article/10.1007/s11266-022-00455-w>
- Ilyas, S., Butt, M., Ashfaq, F., & Acquadro Maran, D. (2020). Drivers for Non-Profits’ Success: Volunteer Engagement and Financial Sustainability Practices through the Resource Dependence Theory. *Economies* 2020, 8(101), 1–17. <https://doi.org/https://doi.org/10.3390/economies8040101>

- Inouye, T. E., Yu, H. C., & Adefuin, J. (2005, January). Commissioning multicultural evaluation: A foundation resource guide. *The California Endowment*.
<https://spracom/wp-content/uploads/2022/09/TCE-Commissining-Multicultural-Eva.pdf>
- International Institute for Conflict Prevention and Resolution. (n.d.). *2022 Diversity Commitment*. <https://www.cpradr.org/diversity-commitment###>
- Iyer, A. (2022). Understanding advantaged groups' opposition to diversity, equity, and inclusion (DEI) policies: The role of perceived threat. *Social and Personality Psychology Compass*, 16(5), 1-14. <https://doi.org/10.1111/spc3.12666>
- Jamison, C. (2022). *Achieving Belonging and Connectedness: Conflict Resolution Organizations Reimagined*. In *Beyond Equity and Inclusion in Conflict Resolution: Recentering the Profession* (First Edition, pp. 24–37). Rowman and Littlefield Publishers.
- Jeghelian, S. J., Palihapitiya, M., & Eisenkraft, K. O. (2013, December). Massachusetts Community Mediation Center Grant Program: Fiscal Year 2013 Year-End Report and Evaluation. *Massachusetts Office of Public Collaboration*.
https://scholarworks.umb.edu/mopc_pubs/10/
- Just Lead Washington. (2020). REJI Organizational Race Equity Toolkit.
<https://justleadwa.org/wp-content/uploads/2020/11/REJI-Toolkit-v2-Final-2020-3.pdf>
- La Rue, H.C. (2021). A Call – and a blueprint – for change. *Dispute Resolution Magazine*.
https://www.americanbar.org/content/dam/aba/publications/dispute_resolution_magazine/2021/race-and-racism/3-la-rue-a-call-and-a-blueprint-for-change.pdf
- Linguistic Society of America. (2016, November). Guidelines for Gender-Inclusive Language.
https://www.linguisticsociety.org/sites/default/files/Inclusive_Lg_Guidelines.pdf
- Low, S.C. (2008). *From Volunteerism to Vocation: Challenges in Breaking into Professional Mediation in Re-Centering Culture and Knowledge in Conflict Resolution Practice*. Syracuse University Press.
- Mackenzie, L.N. & Wehner, J. (n.d.). Context Matters: Moving beyond “Best Practices” to Creating Sustainable Change. In *What Works? Evidence-Based Ideas to Increase Diversity, Equity, and Inclusion in the Workplace* (pp. 45-50).
https://www.umass.edu/employmentequity/sites/default/files/What_Works.pdf
- McGuigan, E. (2022, September 2). Mapping the Path from DEI Efforts to Mission Stagnation. *Philanthropy Roundtable*. <https://www.philanthropyroundtable.org/mapping-the-path-from-dei-efforts-to-mission-stagnation/>
- Mentor Spaces Resource Center. (2021, November 4). Measuring Up: 4 Ways to Measure DEI.
<https://blog.mentorspaces.com/workplace-diversity/measuring-up-4-ways-to-measure-dei-success/>
- Merriam-Webster. (n.d.). Awareness. <https://www.merriam-webster.com/dictionary/awareness>

- Merriam-Webster. (n.d.). Language. <https://www.merriam-webster.com/dictionary/language>
- Merriam-Webster. (n.d.). Opportunity. <https://www.merriam-webster.com/dictionary/opportunity>
- Mihas, P., & Odum Institute. (2019). *Learn to Build a Codebook for a Generic Qualitative Study*. SAGE Publications, Ltd.
- Minnesota Association for Volunteer Administration. (2018, January). Engaging Volunteers from Diverse and Immigrant Communities: 8 Strategies for Creating a More Inclusive Volunteer Program. https://www.volunteeringnz.org.nz/wp-content/uploads/Engaging_Volunteers_from_Diverse_and_Immigrant_Communities_-_Final_Report_-_1-4-18.pdf
- Mollenkamp, D. (2022, July 8). Social Justice Meaning and Main Principles Explained. *Investopedia*. <https://www.investopedia.com/terms/s/social-justice.asp>
- Murray, J. K. (2022, August 25). Jobs in Diversity, Inclusion and Belonging Have Risen 123% Since May—Here’s How to Get One. *Indeed*. <https://www.indeed.com/career-advice/finding-a-job/diversity-inclusion-and-belonging-jobs-rise>
- Nakintu, S., & Ophelia, B.I. (2021, November 29). Diversity, Equity and Inclusion: Key Terms and Definitions. *NACo*. <https://www.naco.org/resources/featured/key-terms-definitions-diversity-equity-inclusion>
- Nardini et al. (2022). Scaling Social Impact: Marketing to Grow Nonprofit Solutions. *Journal of Public Policy and Marketing*, 41(3) 254-276, <https://doi.org/10.1177/07439156221087997>.
- National Council of Nonprofits. (2018, June). What is a “Nonprofit”? <https://www.councilofnonprofits.org/print/pdf/node/196>
- National Council of Nonprofits. (n.d.). Why Diversity, Equity, and Inclusion Matter for Nonprofits. <https://www.councilofnonprofits.org/running-nonprofit/diversity-equity-and-inclusion/why-diversity-equity-and-inclusion-matter>
- Nguyen, B. (2014). Bilingual Mediation. *Mediate.Com*. <https://mediate.com/bilingual-mediation/>
- Ostrower, F. (2020). *Trustees of culture: Power, wealth, and status on elite arts boards*. University of Chicago Press.
- Ostrower, F., & Stone, M. M. (2006). *Governance: Research Trends, Gaps, and Future Prospects*. Yale University Press.
- Pedraza, L. (2021, November). Why DEI Efforts Are So Crucial for Nonprofits. *LinkedIn for Nonprofits*. <https://nonprofit.linkedin.com/blog/2021/11/why-dei-efforts-are-so-crucial-for-nonprofits>
- Plapinger, E.S., & Stienstra, D. (1996). *ADR and Settlement in the Federal District Courts: A Sourcebook for Judges and Lawyers*. Federal Judicial Center.

- Press, S. (2011). Court-Connected Mediation and Minorities: A Report Card. *Mitchell Hamline School of Law*.
<https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1399&context=facsch>
- Pugh, J. (2021). *The Invisibility Bargain: Governance Networks and Migrant Human Security (First Edition)*. Oxford University Press.
- Qualtrics. (n.d.). Your Guide to diversity, equity and inclusion (DEI) in the workplace.
<https://www.qualtrics.com/experience-management/employee/dei/>
- Resolution Systems Institute. (n.d.). Community Mediation Basics.
<https://www.aboutrsi.org/special-topics/community-mediation-basics#:~:text=What%20Is%20Community%20Mediation%3F,confrontation%2C%20prolonged%20litigation%20or%20violence>
- Resolution Systems Institute. (2021, December). Diversity, Equity, Inclusion and Accessibility.
<https://s3.amazonaws.com/aboutrsi/59316376f8851827014cb4de/DEIA-Special-Topic.pdf>
- Reyes, M.-E., & Curry-Stevens, A. (2014). Protocol for Culturally Responsive Organizations: Literature Review and Standards for Performance. *PDXScholar*.
https://pdxscholar.library.pdx.edu/care_pubs/9/
- Ricee, S. (2022, October 8). Breaking Barriers: Types and their Definitions. *Diversity for Social Impact*. <https://diversity.social/breaking-barriers/>
- Riddle, S. (2021). Community Engagement to Raise Awareness of Mediation. *ADR Notable*.
<https://www.adrnotable.com/community-engagement-to-raise-awareness-of-mediation/>
- Saleem, I., Tahir, S. H., & Batool, Z. (2021). Beyond diversity: why the inclusion is imperative for boards to promote sustainability among agile non-profit organisations? *International Journal of Agile Systems and Management*, 14(2), 254–275.
<https://doi.org/10.1504/IJASM.2021.10041668>
- San Diego Foundation. (2021, September 15). Importance of Diversity, Equity and Inclusion (DEI) in the Nonprofit Sector. <https://www.sdfoundation.org/news-events/sdf-news/dei-in-the-nonprofit-sector/>
- Schnieders, A. (2021, February 23). Best Practices for Implementing a Mentoring Program for Diverse Employees. *ATD*. <https://www.td.org/atd-blog/best-practices-for-implementing-a-mentoring-program-for-diverse-employees>
- Seattle Office for Civil Rights. (2009, April). Inclusive Outreach and Public Engagement Guide. *Race & Social Justice Initiative*.
<https://www.seattle.gov/documents/departments/rsji/gre/iopeguide01-11-12.pdf>

- Smith, D. H. (1994). Determinants of Voluntary Association Participation and Volunteering: A Literature Review. *Nonprofit and Voluntary Sector Quarterly*, 23(3), 243–263.
<https://doi.org/https://doi.org/10.1177/089976409402300305>
- Stern, A., Guckenburg, S., Persson, H., & Petrosino, A. (2019). Reflections on Applying Principles of Equitable Evaluation. *WestEd Justice and Prevention Research Center*.
<https://www.wested.org/wp-content/uploads/2019/07/resource-reflections-on-applying-principles-of-equitable-evaluation.pdf>
- Stipanowich, T. J. (2010). Arbitration: The “new litigation.” *University of Illinois Law Review*.
<http://www.illinoislawreview.org/wp-content/ilrcontent/articles/2010/1/Stipanowich.pdf>
- Stoilkovska, A., Palevski, V. M., & Ilieva, J. (2015). Awareness about mediation as an alternative form of dispute resolution: Practices in the Republic of Macedonia. *International Journal of Cognitive Research in Science, Engineering and Education*, 3(1), 21–28. <https://oaji.net/articles/2015/1014-1434799030.pdf>
- SurveyMonkey. (n.d.). Measuring diversity, equity, and inclusion in your workplace.
<https://www.surveymonkey.com/mp/mp-measuring-dei/>
- Tervalon, M., & Murray-García, J. (1998). Cultural humility versus cultural competence: A critical distinction in defining physician training outcomes in multicultural education. *Journal of Health Care for the Poor and Underserved*, 9(2), 2–26.
[10.1353/hpu.2010.0233](https://doi.org/10.1353/hpu.2010.0233)
- Tessera, E. (n.d.). How can we incorporate diversity, equity and inclusion in evaluation? *Eval Academy*. <https://www.evalacademy.com/articles/how-can-we-incorporate-diversity-equity-and-inclusion-in-evaluation>
- The State Bar of California. (2022). Diversity, Equity & Inclusion Calls to Action: Nonprofit Sector Employees.
<https://www.calbar.ca.gov/Portals/0/documents/CallstoAction/Nonprofit-Sector-Employers.pdf>
- Thomas-Breitfeld, S., & Kunreuther, F. (2017). Race to lead: Confronting the nonprofit racial leadership gap. *Race to Lead*. <https://buildingmovement.org/reports/race-to-lead-confronting-the-nonprofit-racial-leadership-gap/>
- United Nations. (n.d.). Gender-inclusive language. <https://www.un.org/en/gender-inclusive-language/guidelines.shtml>
- United States Institute of Peace. (2009, November). Guiding Principles for Stabilization and Reconstruction: Strategic Framework for Stabilization and Reconstruction.
<https://www.usip.org/strategic-framework-stabilization-and-reconstruction>

- United States Institute of Peace. (n.d.). Necessary Condition: Access to Justice. <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice>
- University of Washington – Diversity Resource Center. (2015, September). *Diversity and Social Justice Glossary*. https://www.tacoma.uw.edu/sites/default/files/2021-03/diversity_glossary.pdf.pdf
- Urban Institute - NCCS Project Team. (2020, June). The Nonprofit Sector in Brief 2019. *National Center for Charitable Statistics*. <https://nccs.urban.org/publication/nonprofit-sector-brief-2019#size>
- Volpe, M. R., Baruch Bush, R. A., Johnson Jr., G. A., & Kwok, C. M. (2008). Barriers to Participation: Challenges Faced by Members of Underrepresented Racial and Ethnic Groups in Entering, Remaining, and Advancing in the ADR Field. *Fordham Urban Law Journal*, 35(1), 119-145. <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2278&context=ulj>
- Wakefield, S., & Safier, C. (2019). Benchmarking Report Diversity, Equity and Inclusion. *Empowerwomen*. <https://www.empowerwomen.org/en/resources/documents/2020/01/benchmarking-report-diversity-equity-and-inclusion?lang=en>
- Walker, V. (2019). The road to nonprofit diversity and inclusion. *The Journal of Infectious Diseases*, 220(Supplement_2), S86–S90. https://academic.oup.com/jid/article/220/Supplement_2/S86/5552352
- Weatherspoon, F.D. (2011). The Impact of the Growth and Use of ADR Process on Minority Communities, Individual Rights, and Neutrals. *Capital University Law Review*, 39(4), 789-804).
- Will, M. G., & Valentinov, V. (2018). From nonprofit diversity to organizational multifunctionality: a systems–theoretical proposal. *Administration and Society*, 50(7), 1015–1036. <https://doi.org/https://doi.org/10.1177/0095399717728093>
- Wilkinson, J. (August 2001). A study of Virginia and ten states: Final report and recommendations. For the Virginia Association for Community Conflict Resolution (VACCR) by The Institute for Environmental Negotiation, University of Virginia.
- Wilson, J., & Musick, M. (1997). Who cares? Toward an integrated theory of volunteer work. *American Sociological Review*, 62(5), 694–713. <https://doi.org/https://doi.org/10.2307/2657355>
- Witwer, R. (2021). DEI and Belonging: Changing the Narrative and Creating a Culture of Belonging in Nonprofit Organization. *University of San Francisco*. https://bpb-us-w2.wpmucdn.com/usfblogs.usfca.edu/dist/9/244/files/2021/05/witwerrakiya_6199833_68188178_Rakiya-Witwer-622-Capstone-Report.pdf

- Woodson, T. T. (2021, July 26). Using a Culturally Responsive and Equitable Evaluation Approach to Guide Research and Evaluation. *Mathematica*. <https://www.mathematica.org/publications/using-a-culturally-responsive-and-equitable-evaluation-approach-to-guide-research-and-evaluation>
- Yuval-Davis, N. (2006). Intersectionality and Feminist Politics. *European Journal of Women's Studies*, 13(3), 193–209. <https://doi.org/10.1177/1350506806065752>
- YWCA. (2016). Our Shared Language: Social Justice Glossary. https://www.ywboston.org/wp-content/uploads/2016/02/MISS_VIT_BLD-SUPP-FOR-MISS_TRN-AND-DEVEL_SJ-GLOSSARY_MARCH_2016.pdf
- Zepponi, C. (2022). How America's Largest Nonprofit and For-Profit Corporations are Communicating CSR and DEI. *University of San Francisco*. <https://bpb-us-w2.wpmucdn.com/usfblogs.usfca.edu/dist/9/244/files/2022/05/Zeppeoni-Report.pdf>