The Divided Community Project strengthens community efforts to transform division into action. The project's focus is on the prevention of polarization in the conflicts communities face. Current initiatives include establishing pilot programs which plan in advance of civil unrest, offering suggestions for improving practice, developing conflict assessment tools, and advocating for the use of collaborative methods for turning community division into positive action.

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1. **Key Considerations for Community Leaders Facing Civil Unrest: Effective Problem-Solving Strategies That Have Been Used in Other Communities (2015)**
   - Provides a checklist to consider when a community faces civil unrest and when that community begins to build consensus about dealing with the underlying problem.

2. **Planning in Advance of Civil Unrest (2015)**
   - Offers points to consider for a community that seeks to develop a strategy to deal with division before it escalates into civil unrest.

*The Ohio State University Moritz College of Law Program on Dispute Resolution serves as the host institution. The JAMS Foundation provided significant funding for the creation of the Project and the Kettering Foundation partnered in its early work.*
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Columbus, Ohio – Divided Community Project leaders Nancy Rogers, Grande Lum and William Froehlich co-authored the article “Planning in Advance of Civil Unrest, A Role for Mediation-Wise Attorneys” in the Summer 2016 edition of the ABA's Dispute Resolution Magazine. The original article is available on the ABA's website (membership required) (http://www.americanbar.org/content/dam/aba/publications/dispute_resolution_magazine/summer2016planning_in_advance_of_civil_unrest.authcheckdam.pdf). The article is reprinted below.

Planning in Advance of Civil Unrest A Role for Mediation-Wise Attorneys

By Nancy Rogers, Grande Lum, and William Froehlich

For a reminder that volatile civil unrest captures public attention, look no further than Twitter, where according to one recent news report, #Ferguson is the most influential social-cause hashtag of all time. The possibility of further turmoil has not faded as tragedies in Dallas, Saint Paul and Baton Rouge hit one after the other in one July week this year. All too many similar scenes have unfolded in Baltimore, Maryland and Ferguson, Missouri and other cities in recent years.
As Internet and television reports of these events captivated the public, attorneys steeped in mediation expressed their desire – in blogs and public and private conversations – to use their expertise to help their communities avoid similar fates, and in doing so, build trust and improve outcomes. We think that attorneys who are mediators or have represented clients often in mediation (we are calling them mediation-wise in this article) have a meaningful role to play and that the nationwide urgency about unrest will increase community members’ willingness to respond to these attorneys’ leadership. In this article we offer practical suggestions for how mediation-wise attorneys can play an effective role in preparing for – and perhaps forestalling violence connected with community unrest, as well as strengthening their public leaders’ abilities to deal with people’s concerns and building trust among communities within the community.

**Two examples of how experienced mediators have helped in the midst of civil unrest**

**After Trayvon Martin’s death**

Sanford, Florida, is just one place where conciliators from the US Department of Justice’s Community Relations Service (CRS) and others have worked on a local level during tumultuous times. In the aftermath of the February 2012 shooting of Trayvon Martin, an unarmed African American teenager, by a neighborhood watch coordinator George Zimmerman, CRS conciliators teamed up with local and national civil- rights leaders, the local US Attorney, FBI, clergy, and law enforcement officials to reduce tension and prevent violence. Their efforts were not limited to just the days that followed the decisions regarding prosecution of George Zimmerman: CRS conciliators also worked with many of the same stakeholders to ensure a coordinated response to three large marches and demonstrations and negotiated a peaceful resolution to a student-led sit-in at the entrance to Sanford Police Headquarters. Assistance included providing expertise in police practices as well as mediation when the conciliators facilitated discussions between city officials and protesters and suggested best practices for handling confrontations.[1]

By happenstance, some months before the shooting the city of Sanford had employed — for duties independent of potential unrest – Andrew Thomas, a mediator with decades of experience dealing with community conflict in New York. When the shooting occurred, Thomas coordinated with CRS and helped local officials arrange police protocols, develop communications strategies, create stakeholder groups that spanned community divisions, and convene long-term discussions that resulted in changes in law enforcement practices. Though demonstrations sometimes swelled to a size that represented more than 60 percent of Sanford’s population, the protests were peaceful, and police did not arrest any demonstrators.[2] Perhaps most important, Thomas continues to facilitate talks that have already led to broadly embraced changes.

**After Michael Brown’s death**
Ferguson, Missouri, presented a contrast with Sanford as violence and property damage erupted almost immediately after the August 2014 fatal shooting of Michael Brown, an African American youth, by a white police officer. A team of CRS conciliators quickly converged in Ferguson, where they held dozens of meetings with police, community leaders, and Michael Brown’s family to persuade “apprehensive residents, overwhelmed city officials, angry protestors and frustrated police” to sit down and talk.[3] CRS staff also convened a coalition of elected officials, law enforcement executives, school administrators, and faith leaders from the St. Louis area to discuss the underlying issues of race and law enforcement and initiate development of long-term solutions. CRS staff members were able to provide a safe space for residents to voice their concerns and develop local community solutions in town meetings and community dialogues, away from the media frenzy. CRS staff also organized meetings between US Attorney General Eric Holder and local community leaders that were widely praised for reducing tensions.[4]

Lessons from Sanford and Ferguson

These examples suggest why mediation-wise attorneys might help by contacting CRS or persuading local officials to seek CRS assistance – and also illustrate why attorneys without close connections to public officials might not be able to mediate in the midst of civil unrest as effectively as practitioners who are experienced in this demanding, tense kind of work and have (or can quickly develop) ties to federal, state, and local leaders. These are not your garden-variety legal mediations. Intervention in community unrest requires a unique dispute resolution skillset: the knowledge and ability necessary to facilitate rules of engagement between law enforcement and public officials at protests and in meetings; ability to initiate negotiations in the midst of violence; and expertise in communication that works in times of distrust. Entering situations in which every hour counts, an intervenor’s success also often depends on experience – especially experience dealing with civil rights advocates and the public values at stake in community unrest that should inform decisions about when to negotiate (should talks be delayed to give demonstrators more time to gain community attention, for example?) and what to negotiate (the safety of the demonstrators and others only? safety and also the demonstrators’ demands? the demands only or also the underlying problems?) and in working with national advocacy group leaders and local officials, such that the intervenor has already forged relationships with them. Traditional attorney-mediators who try to intervene may not only lack the needed skills and background but also risk complicating the tasks of the experienced public mediators who are already at work.

As Sanford’s story also illustrates, preparation and continued involvement make a huge difference. The city of Sanford’s mediator, who was in place as a city employee before the unrest, was able to help CRS conciliators gain acceptance by community members, guide the conciliators to stakeholders, and continue the work after CRS conciliators moved on to other cities.

Preparing During Tranquil Times
Tranquil times, however, provide fertile ground for those with mediation expertise to help communities plan in advance. Take, for example, the Divided Community Project at the Ohio State University Moritz College of Law, which by its own description “strengthens community efforts to transform division into action.” The project, whose leaders include the authors of this article, recently received a two-year grant from the JAMS Foundation to establish pilot programs that test models for communities to develop plans for identifying and addressing practices that trigger civil unrest; design and implement dispute resolution processes that can bring about meaningful, systemic change; and develop conflict assessment tools and protocols that can convert community division into positive action. The project website, go.osu.edu/dividedcommunityproject, provides step-by-step guidance that attorneys can use to help their communities plan.

Although at the time of this writing its efforts were still in the development stage, the Divided Community Project currently works hands-on with groups of attorneys who are quietly convening broad stakeholder committees to plan in advance of civil unrest and preparing background materials for them. Once formed, these stakeholder committees will assess community concerns, assure that the community is addressing these concerns in meaningful ways, work to build community trust, and make plans for the community’s response (not just the police response) should civil unrest occur – in short, to make the communities more resilient. The project’s convening groups, some of which are organized jointly by the local bar, the minority bar, and the US Attorney’s Office, will utilize mediation and leadership skills to build consensus and momentum.

Tranquil times also offer opportunity for mediation-wise attorneys to conduct the research that will help communities deal with division. For example, the work of Jacqueline Nolan-Haley, a Fordham Law professor, provides an outsider’s assessment of processes developed in Northern Ireland after decades of violence ended with the 1998 Good Friday Agreement. Having visited Northern Ireland over the years since the agreement and followed media reports and commentary, Professor Nolan-Haley examined, in an article to be published soon by the University of St. Thomas Law Journal,[5] processes to deal with community division that were set up by past planning efforts and suggested ways to make them more effective. She questioned, in particular, whether these processes built sufficient trust among neighbors divided by an often-violent conflict that these residents could agree on constructive political action aimed at preserving long-term peace.

As these examples illustrate, attorneys can contribute during tranquil times as the incipient Divided Community Project is doing to help convene stakeholder committees that will make their own communities more responsive and resilient or they can provide analysis, as Nolan-Haley did, that will guide planning by others and emphasize how much more difficult their work will be if they wait to plan until violence occurs.

How to Plan
At the Ohio State University Moritz College of Law, we worked with colleagues at the Divided Community Project to compile a list of important questions to consider when planning in advance of civil unrest.[6] Mediators, public officials, civil-rights advocates, and community leaders have all contributed to the inquiries that follow, which we believe attorneys with mediation expertise can apply to their own communities.

1. **Who should take the initiative to promote a process for planning during tranquil times?**

Mediators appreciate that “getting parties to the table” represents one of mediation’s toughest challenges as key stakeholders are often unwilling to engage in a process that requires credibility, trust and putting aside differences. Bar associations might be a useful forum for creating a small convening group as bar associations tend to have a wide network of key relationships as well as a reputation for fairness. This is not the group that should actually create plans in advance of civil unrest, but one organized for the purpose of selecting – and then persuading – other individuals in a community to join a more broadly inclusive planning committee. That planning committee, in turn, can provide the knowledge and experience to plan effectively, credibility within the broader community, and connections to work with civic leaders to implement whatever plan is eventually designed. Nolan-Haley’s reflections suggest that processes resulting from the actual planning process are more likely to fail when public officials do not include key stakeholders in the early stages, so thoughtful recruitment of planning committee members will be worth the extra few months that the convening group is likely to require.

2. **How can the convening group persuade the key officials and other leaders to participate?**

Like parties in any effective mediation, many public officials and other local leaders need to have a sense of urgency and a clear goal before they will agree to participate in such a project. To secure information that would help identify stakeholders, persuade people to participate, and guide the planning agenda, one convening group used law students from the Divided Community Project to interview scores of advocacy, religious, and other leaders throughout the community. “What are the people you know best upset about?” “What do they do with their concerns?” “Are they satisfied with the responses to their protests?” They asked interviewees whether the broader community, including suburbs, had solid plans for constructively handling unrest. The students also researched, mostly through online sources, past and current sources of conflict, locally and nationally, and discussions in the media of recent changes that might produce additional conflict. Based on interviews and online research, they listed festering conflicts and provided information on the community’s ability to deal with division. They also asked what residents from all parts of the community valued about the community – the joint interests residents sought to preserve despite their vehement differences. Their report on this research helped the convening group determine who needed to be part of the planning group and provided helpful information about how to persuade the planning committee invitees that their participation would matter.
3. **How can a planning group develop an early-warning system and other public processes through which emerging problems can be identified and addressed?**

As anyone with mediation experience knows, listening and reflecting back concerns helps people recognize and then resolve underlying interests. The same is true of the community context, where by listening to a broad set of voices and seeking data points, a planning group can gauge sources of tension and turmoil. A planning group can also develop ways for public officials to hear and understand broad community concerns by organizing broadly inclusive advisory groups that meet regularly with public officials, having regular opportunities for residents to alert leaders to their concerns, and devising instruments to help identify potential community hot spots.

In addition to identifying concerns, planners can assess whether residents think that already existing processes are effective ways to address their concerns or that something more is needed. As Nolan-Haley points out, taking inventory of existing processes is essential, but so is determining whether those processes really can meet and respond to residents’ needs. Such assessments might need to be repeated for communities in flux. Filling gaps keeps the community responsive and decreases the need for citizens to take to the streets as a way to get their voices heard.

4. **How can a planning group improve patterns of constructive practices, including enhanced relationships among diverse parties and with public officials?**

Successful mediators understand the importance of building trust in their own mediations and will appreciate the need to build trust within a community. Those who intervene in community conflicts say that concerns are less likely to escalate to violence if public officials, advocacy groups, and community leaders have already developed patterns of constructive engagement, which might call to mind the old saying that the best time to make a friend is when you don’t need one. Planning activities that regularly connect groups within a community for constructive interactions enhances community resiliency, as do frequent positive meetings between public officials and community representatives.

Moreover, as with shared interests in a mediation, a community that has developed a shared identity, one that spans interest groups, has extra motivation to preserve peace as it works through differences. Planners who listen carefully for these broadly shared interests can help communities recognize, name, and remember them.

Nolan-Haley’s research in Northern Ireland underscores the clear advantages of doing this relationship-building/shared identity work before conflicts become violent. The immediacy of past violence increased the difficulty of gaining engagement by all key Northern Ireland stakeholders. Nolan-Haley suggests that a barrier to engaging may be the perceived failure by some groups to “deal with the legacy of the past.” If prospective participants believe that an effective means to address the past will be part of the strategic planning, they may well engage in the process. Her work suggests that planners in US cities, particularly those planning after violence, may need to do more than enhance relationships – they may need to deal with past injustices before some stakeholders will engage in planning for future concerns.
5. How can a planning group help civic leaders develop and implement concrete plans for the first hours and weeks of civil unrest, should it occur?

Experienced mediators know that having seen a wide variety of parties, interests, and challenges makes them much more effective than mediators who are working on their first case. Local officials, especially those in small communities that have never experienced unrest before, are like first-time mediators. During the first few hours of a crisis, they must make crucial decisions, ones that often quickly become public, many times with no knowledge of what has or has not worked in similar situations elsewhere. They may not even know about CRS and other resources offered by the US Department of Justice. They may have no idea how quickly and dramatically conflict can escalate.

The Divided Community Project has published a list of considerations for those leaders already facing civil unrest to help with the most common early decisions.[7] A planning committee can help leaders create protocols in advance during tranquil times. The protocols might include how the leaders will: establish a process for dealing with underlying concerns, including past grievances; engage the right people in responding to the issues raised by these concerns; establish consistent approaches between law enforcement and city officials; and communicate accurately, clearly, and accessibly in ways that each part of the community trusts.

**Attorneys’ Roles as Community Leaders**

Attorneys in volunteer capacities have played informal leadership roles in their communities for some time, acting as what legal scholars have called the “lawyer-statesman”[8] or the “pillar of the community.”[9] In the 1970’s, attorneys fulfilled this role to plan in advance of potential civil unrest as judges directed school districts across the country to desegregate – especially after witnessing the violence that followed court-ordered busing in Boston. In Detroit, attorney and nonprofit leader William H. O’Brien served as co-chairperson for PRO-Detroit, an *ad hoc* organization designed to “seek the broadest city-wide coalition to endorse the effort for peaceful compliance” with the anticipated court ruling[10]; in Columbus, Ohio, attorney and business executive Rowland C.W. Brown convened civic leaders to serve on the Metropolitan Columbus School Committee to educate and prepare the community for the forthcoming desegregation decision.[11]

The experience many attorneys now have with mediation equips them to play even more specific and pivotal roles in connection with unresolved divisions within communities. Thanks to the development of robust alternative dispute resolution programs across the country, many young attorneys are trained mediators or have some experience with mediation.[12] Even untrained lawyers who have watched multiple well conducted mediations can understand the power that comes from shifting out of the traditional advocate role, recognizing people’s interests, and helping clients develop options that meet those interests..[13]
The time is right for attorneys to contribute this expertise. As in the era of school desegregation, today’s national narrative about unrest makes most community leaders receptive to suggestions about planning initiatives. Concerned civic leaders are hungry for ideas and conversations to build trust. Following the President’s Task Force on 21st Century Policing 2015 recommendations to advance policing practices “while building public trust,”[14] organizations such as the Major Cities [Police] Chiefs Association and the International City/County Management Association are actively discussing and implementing best practices that specifically address this goal.[15]

We have seen how trained and experienced conciliators from the Community Relations Service and other agencies can help after a crisis has erupted. But as all mediators know, conflict can be addressed at its roots, and this is where we think mediation-wise attorneys can work in a time-honored role, as modern lawyer-statesmen, by working to help communities recognize and address the divisions that could tear them apart — and plan ahead to collaborate during difficult days.

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[7] Divided Community Project, Key Considerations for Community Leaders Facing Civil Unrest: Effective Problem-Solving Strategies That Have Been Used in Other Communities (OSU Moritz College of Law Dispute Resolution Program 2016), http://moritzlaw.osu.edu/dividedcommunityproject/ (http://moritzlaw.osu.edu/dividedcommunityproject/).


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To be used in conjunction with National Asian Pacific American Bar Association Convention. The dialogue presented in this essay supports the notion that instead of the use of competitive negotiation strategies to come to peace, negotiators and stakeholders in negotiations should also consider generosity and compassion as the basis of understanding each other’s positions and interests. The essay examines the teachings of several major religions to underscore their teachings on this topic. A similar version of this essay was first published in the Cardozo Conflict Resolution Journal, 2013. Used with permission.
Following the Golden Rule and Finding Gold: 
Generosity and Success in Negotiation

By Lela P. Love and Sukhsimranjit Singh*

“Wise souls don’t hoard; the more they do for others the more they have, the more they give the richer they are.” 
(Lao Tzu)

Introduction

Our friend, who is a landlord, told us a curious story. He rented an apartment in a lovely old Victorian house to a couple, who were very happy with the arrangement. Happy, that is, until they discovered that a cat of the previous tenant had urinated for a period of time in an upstairs closet. The discovery led to uncovering a drenched carpet that needed to be replaced, a floor that was permeated with the odor of cat urine and affected floor moldings. It gets worse. When the carpet was pulled up in the closet it was clear that it couldn’t be replaced without replacing the carpet for the entire room. The landlord had to devote several weekend days to addressing the situation, as well as many thousands of dollars (he worked in another city during the week). He became increasingly irritated that the tenants made no week-time efforts to move the situation forward (e.g., applying coats of urine extractor and later floor sealer that required periods of time between applications), feeling that they could have been more proactive during the week when he was away. When the rent check arrived, the landlord reported that he held the envelope in his hands and thought, “If they deducted something from their rent, I will be annoyed and disappointed.” However, when he opened the envelope and found that the full rent was paid, he

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immediately returned one half of the rent to the tenants. Their generosity in not asserting an arguable claim begot his, creating an infection of generosity. The tenants gained a reduced rent and a top of the line new carpet—one much better than the old carpet. The tenants stayed patient and appreciative as repairs dragged on, and ultimately the landlord had an upgraded apartment and happy tenants.

One can only imagine the downward spiral that might have occurred if the tenants had made a grab for reduced rent.

This story suggests that one of the consequences of generosity may be that it creates generosity in others (or, to put it in the converse: grabbiness generates grabbiness) and, in the end, generosity may benefit all in terms of both material and emotional well-being, leading, as in this case, to cooperation and mutual benefit. The chapter examines generosity, a precept endorsed by major religions, as a good negotiation practice.

We recognize that most scholarly articles base their claims on quantitative or qualitative research whose methodology supports reliability. Certainly, such foundations are wise given the potential for irrational and erroneous conclusions that behavioral economics has uncovered. (Belsky and Gilovich 2009) Undeterred, our claims in this chapter are based on the teachings of major religions, as well as our own life experiences.

Herb Cohen (1980) opened his best-selling book You Can Negotiate Anything with an inscription to his father, which read:

_In memory of my father, Morris Cohen, whose negotiating strategy was always to give much more than he received. His life spoke an eloquence of its own._

In contemplating this tribute to Morris Cohen, we were struck by the generosity of the father’s approach to negotiation that, to us, seemed more enlightened (and potentially more profitable) than the son’s, which included many competitive and “tricky” strategies. Consequently, we ask:
is generosity a good negotiation strategy? The thesis that generosity is a good negotiation strategy is counterintuitive: when we think of negotiation we think of the enterprise as being about getting something we want or need – not about generously giving away things of value. So, how could generosity possibly be a successful approach?

Experience tells many of us it feels better to be generous than to be defensively competitive, especially when the generosity is reciprocated, and often even when it is not. In addition, and more to the point of this chapter, as in the landlord tenant story, we have noticed that the people to whom we are generous tend to give a lot back.

Habib Chamoun and Randy Hazlett (2009: 152) note in their historical review of lessons to be learned from the ancient and long-successful Phoenician trading culture that, “[g]iving generates great feelings, positive energy and powerful emotions on the other side of the table that can include gratitude and reciprocity, leading the other party to be more open and flexible in future negotiations with the giver.” This suggests that generosity actually “pays”. In the segments that follow we will explore how generosity “pays” in multiple ways: in the increase of actual or material wealth, the increase in the perception of being wealthy, and the increase of spiritual well being. As we consider how generosity pays, we will think about it in a broad context: that is, from bazaars to boardrooms, to dealings with family and with strangers.

**Generosity Defined**

In the six short segments that follow, we will very briefly explore what major religions have to say about the desirability of generosity. “Generosity” as used here, refers to giving that includes, and goes beyond, money. Generosity is about sharing what you have, be it energy, food, good humor, time, listening, a smile, an embrace—or money. As such, it is the “greatest expression of one’s gratitude to others” (Chamoun and Hazlett 2009: 152). True generosity is marked by an
open mind and heart. Generosity includes elements such as kindness, patience and compassion (Dalai Lama 2001). It includes presence: a complete undivided attention, to our children, to our friends, to our families and to our colleagues (Thich Nhat Hanh 1973). Others have called it the joy of giving time, talent, treasure and touch (Blanchard and Cathy 2002; Chamoun and Hazlett 2009).

We look at generosity through the lens of six religions and find commonalities in all. Karen Armstrong, a scholar on comparative religion, broadens this commonality by noting: "All faiths insist that compassion is the test of true spirituality and that it brings us into relation with the transcendence we call God, Brahman, Nirvana, or Dao. Each has formulated its own version of what is sometimes called the Golden Rule, "Do not treat others as you would not like them to treat you," or in its positive form, "Always treat others as you would wish to be treated yourself." (Armstrong 2010, 3-4) (emphasis added). The Golden Rule is, in essence, urging generosity—not a calculated quid pro quo but the giving to others as one would like to receive or as discussed later in this chapter, giving to others without expectation of reciprocity.

The widely endorsed wisdom emanating from religious traditions may play a critical role both in negotiation, as well as spiritual advancement. As Jeffrey Seul (2006: 331) offers, “[r]eligion may very well be the primary lens through which one sees oneself and the rest of the world.” Religious meaning systems, as Seul notes, define the broadest possible range of relationships – to self, others, the universe and God (2006: 324). Consequently, religion, for many, shapes both identity and relationships with others, influencing the course of negotiations, as well as other human affairs. Ignoring religious precepts may involve peril: peril to our soul and, perhaps, to our pocketbook.
Next, in alphabetic order, we will examine the precepts on generosity from six major religions.

**In the Bahá’í Faith**

One of the youngest religions, the Bahá’í Faith addresses generosity under the concept of the relationship between good and evil in man. Abdul’l-Baha describes it as follows:

If a man is greedy to acquire science and knowledge, or to become compassionate, generous, and just, it is most praiseworthy. If he exercises his anger and wrath against the bloodthirsty tyrants who are like ferocious beasts, it is very praiseworthy, but if he does not use these qualities in a right way, they are blameworthy (Hatcher and Martin 1994: 110).

So, being greedy to be generous is praiseworthy. But being generous to gain personal advantage is not. In Baha’i teachings, Shoghi Effendi Rabbani, the first and only Guardian of the Baha’i Faith, strongly condemns anything suggestive of psychological manipulation. Talking about giving, Shoghi Effendi, in a 1942 letter to the National Spiritual Assembly of the Baha’is of the United States, said, “We must be like the fountain or spring that is continually emptying itself of all that it has and is continually being refilled from an invisible source. To be continually giving out for good of our fellows undeterred by the fear of poverty and reliant on the unfailing bounty of the Source of all wealth and all good: this is the secret of right living.”

It follows that an insincere displaying of generosity—as a negotiation ploy like hiding your bottom line or withholding information or playing good cop/bad cop—would be a mistake.

**In Buddhism**

As a variant to the Golden Rule, Buddhists urge: *Hurt not others in ways that you yourself would find hurtful* (Udana-Varga 5,1).

In Buddhism, generosity (or dana) is of one of the Ten Perfections that lead to Buddhahood. Giving leads to happiness as well as to material wealth. Conversely, the lack of
generosity leads to unhappiness and poverty. Thus, the more one gives without seeking anything in return, the wealthier one will be (Stone 2008). This point is exemplified by a recent talk in New York City by a Buddhist lecturer at the Kadampa Buddhist Mediation Center, advertised as revealing the secret of wealth. The speaker, Kadam Morten, a well-respected local Buddhist teacher, promised to let the audience in on how to acquire worldly well-being. It turned out his secret was generosity. He explained that the mind of generosity is an intention, a wish, to give. The person with such a wish already experiences what he or she has as wealth. Conversely, a billionaire with a miserly, hoarding attitude towards his or her money is experiencing it as poverty. His point was that actual money or goods may be unrelated to the experience of wealth in a meaningful way. A generous poor person can feel wealthy in giving away half of their only loaf of bread.

Additionally, the Buddhist idea of karma posits that all of our actions — good and bad, generous and selfish — plant seeds that blossom and will return to us. So, there is a practical element to a spiritual practice. If you do something good to others, as noted above — something generous — some day, in this life, or another life, that good deed will flower and your “good karma” will return with blessings for you. The same is true for bad karma. This idea of karma suggests that it is worthwhile to be generous because it will come back, like a boomerang, with blessings or with curses – a form of active cosmic justice.

So, generosity leads to the experience of feeling wealthy. And it leads to good karma being in store. In this life, or some other life, good things will come your way if you are generous—in other words, generosity will pay.

In Christianity
The new testament of the Bible advises following the Golden Rule. *So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets* (Matthew 7:12).

Why this advice? A general social and psychological principle of reciprocity suggests that what we do for others will come back to us (see Cialdini 2006). Sometimes it comes back amplified. The Biblical commandment, however, is notably NOT: Do unto others *so that* they will give unto you. There is no calculated quid pro quo in the admonition. In the Bible, the Golden Rule is meant to be heeded in human intercourse for spiritual, rather than monetary, wealth. Nonetheless, we believe a link between spiritual and material advantage makes doing the generous deed prudent on multiple levels.

**In Hinduism**

According to the Hindu vision of karma, there are necessary and sufficient conditions that account for the successes and misfortunes in the life of every living being. The individual reaps only what he sows, no more, no less. Every act is both the result of forces set in operation by previous acts and the cause of the deed (Organ 1974).

For a Hindu, one’s attitude towards a possession has equal or higher significance than the mere possession itself. An attitude of a generous mind brings happiness. Like Christianity and Sikhism, the Hindu religious text *Isa Upanishad* says that true enjoyment and peace lie in detachment from wealth.

Another famous Hindu text, the Bhagavad Gita, speaks of three types of giving: “A gift that is given without any expectation of appreciation or reward is beneficial to both giver and recipient. A gift that is given reluctantly and with the expectation of some advantage is harmful to both giver and recipient. A gift that is given without any regard for the feelings of the recipient
and at the wrong time, so causing embarrassment to the recipient, is again harmful to both giver and recipient.” (Bhagavad Gita 17.20-22)

In addition, in Hinduism, any giving that is motivated by selfish considerations loses its value from the spiritual point of view, and generosity (dana) includes physical, intellectual and spiritual service (Sugirtharajah, 2001).

**In Islam**

Islam provides extensive guidelines for its adherents pertinent to generosity. The Qur’an, in verses 2:272, reads, *Whatever they expend, it reverts to yourselves and Those who...spend...from what He has provided for them hope for a business that will never slacken.* (35: 29). The Qur’an also outlines the benefits of generosity. Such benefits are others’ affection, respect, popular support, and freedom from any rage (Tabataba’I 2000: 183).

In Islamic teachings, generosity provides for cooperation – the basis of human society. Under Islam, generous hospitality is treated as a desired value, even in business negotiations. In Middle Eastern culture, hospitality is more than mere courtesy; “it is an expression of sacred obligations dating to time that some believe even predated Islam.” (Phyllis E. Bernard 2010). In Islam, like other religions, generosity is not just limited to money; as one Islamic scholar puts it: “one must not suppose that the holy faith of Islam asks our beneficence only through sacrifice of wealth” (Mohammad 2000: 184).

Among other benefits, Islamic teachings emphasize, long-term relationships are established through generosity.

**In Judaism**
The Torah’s commandment “Love thy neighbor as thyself” (Leviticus 19:19) is a reflection of the Golden Rule. Indeed, the mandate, mizvah, of performing acts of loving-kindness, *gemilut hasadim*, is one of the highest priorities in the Jewish tradition. Imitating God’s ways, *imitatio Dei*, is at the highest level of religious practice, and, since the Jewish faith views God as a performer of acts of kindness, doing such acts is a form of imitating God's ways. This concept forms one of the pillars of Jewish ethics. (Warren Zev Harvey, *Grace or Loving Kindness*, p. 299-303 in *Contemporary Jewish Religious Thought*, Arthur A. Cohen and Paul Mendes-Flohr, ed. *The Free Press*).

The Torah commands acts of generosity towards both an enemy and a brother: “If thou meet thine enemy’s ox or his ass going astray, thou shalt surely bring it back to him again.” (Ex. 23,4); “Thou shalt not see thy brother’s ox or his sheep go astray, and hide thyself from them, thou shalt in any case bring them unto they brother.” (Deut. 22, 1-3). This commandment requires unilateral acts of generosity.

Judaism’s take on generosity is also reflected in the principle of *tzedakah*, or the obligation of charitable giving. For adherents, *tzedakah* is a weighty responsibility that should be discharged with great care and thought (Dosick 1995). In the words of Rabbi Yitzchok Adlerstein, “The Torah regards us as custodians of money for the poor. We can take chances with our own funds, but not those that belong to others” (Adlerstein 1999: 59). The quality of our *tzedakah* is more important than its quantity. Being in accord with this imperative for charity and generosity is a requisite of spiritual well being.

**In Sikhism**

A major teaching of Sikhism, a relatively young (15th Century) religion, includes *Kirt Karna* (earning honest livelihood), *Naam Japna* (meditation) and *Vand Ke Chakna* (sharing with
A thread that connects all three values of Sikhism is generosity or “dya” (as said in Punjabi). A Sikh’s daily prayer Japji Sahib promotes the importance of generosity by saying “without generosity there is no religion” (Randhawa 1970: 63).

A common practice among Sikh Gurudwaras (Sikh Temples) is the service of langar (a free community kitchen), which serves food to others – sometimes to hundreds and thousands – every day. The concept of langar started from the first Sikh Guru, Guru Nanak, and the tradition is to spread equality among all (by making attendees sit on the same ground and by sharing a meal together; by treating class, caste, religion, and gender with indifference) and to distill the importance of sewa. Sewa, loosely translated to English, means service – though a deeper translation symbolizes generosity from tann (body), mann (soul) and dhann (time and money).

Generosity from tann, mann and dhann signifies something important for negotiators. Like all major spiritual traditions, Sikhism teaches its adherents to share with heart, mind and other resources. It also teaches against expectations. A calm and fulfilled mind, as per Sikhism, does not expect or seek reciprocity. Such a mind should foster trust in business or personal relationships through right intentions and equanimity.

**Generosity in Practice: An Example from Istanbul**

In Turkey, ignoring all the advice in this chapter, Lela tried her wings as a competitive bargainer in the Eastern bazaars. She was operating, however, on what proved to be an erroneous assumption that the negotiation exercise was comprised primarily of positional and competitive bargaining. Offer low, make few and small concessions, and – after a long time – pretend to walk out and (when that does not work) accept the lowest offer to date. Or, try to split the difference. These tactics – always most comfortable when you do not care too much about the object of the negotiation – did not work time and again. Despite being well-schooled in the “negotiation
dance” and the ingredients of competitive bargaining, the mere use of extreme positions achieved disinterested responses. What was missing?

A particular incident in the Istanbul bazaar illuminated how generosity comes into play in competitive bargaining. Lela tells the following story:

I had only thirty minutes to stay in the bazaar, as my ship was leaving port, and I felt quite pressured about time. I was tired of trying to bargain for everything—nor was it particularly fun. My last item to procure was a small charm to ward off the Evil Eye for my daughter’s charm bracelet. I went into a shop and the merchant asked $20 for a charm that was the correct size, promising at the same time to get it properly attached to the bracelet I carried. I said “Done!” thinking I would make the merchant happy and knowing that the charm was probably worth a quarter of that. No whittling away at the offer, simply a resounding “OK.” The deal was sealed but the merchant was sour. It was not a fair price, and I had done something wrong by accepting it. So, to try to make amends, I looked at him and said, “I am in a great hurry. If you can get this charm soldered onto my charm bracelet in fifteen minutes (he had to take it to a shopkeeper some distance away), then I will happily pay you $20. If it takes you sixteen minutes, though, I’ll only pay you $15. If it takes you eighteen minutes, I’ll only pay you $10. If it takes you twenty minutes, you’ll give me the charm for free AND promise to have my bracelet back—whether or not the charm is soldered onto it, as I will be anxious about missing my ship. Deal?” The merchant was ecstatic and accepted the deal. A stop watch came out. His fastest son was put into action. His friends gathered to monitor the race against time. In the meantime we discussed politics and gold
charms. Fifteen minutes later (the bracelet with attached charm came back in under ten minutes) the merchant was giving me his card, wanting to see me again in Istanbul or in America, and also giving me other trinkets to supplement the gold charm. Everyone had had a good time.

Bazaar (or any) bargaining is about both a transaction and a social interaction—and a generosity of spirit that ultimately will result in a fair price. Play with your bargaining counterpart, have a good time, accept his offer of tea and talk, and you both will find an acceptable exchange. What you give is your time, energy and good humor. Yes, there is a “negotiation dance” around extreme positions and denigrating and aggrandizing remarks about the wares at issue. But eliminate the generosity of spirit and the deal will not prosper.

**The Importance of Sincerity**

Generosity must be perceived as such by the receiver. If the receiver perceives a gesture as an attempt to buy them off, if they sense a trick or a manipulative move, an otherwise generous gesture can have the opposite of the intended consequence. For example, take the following scenario:

Imagine you arranged over the internet to rent an apartment in Berlin to attend a two week course at Humboldt University. You also arranged to share the apartment with a colleague from Italy who is also taking the course. The apartment cost 450 Euros for two weeks, as it is a 30 minute bus ride from the Mitte (the center of town) and Humboldt.

When you arrived in Berlin, the apartment was fine, but your roommate never appeared. She was, however, at the program on Monday morning, and she told you that her plans changed when her boyfriend decided to come with her to Berlin. She tried to call you but never got an answer. She left a voicemail message for you, but you did not get it because you don’t check voicemail. She simply forgot to send an email or a text, which is how you always communicate.

It seems that everyone in the program has housing, though you haven’t asked about other Humboldt students, as you don’t want an absolute stranger for a roommate.

You would like her to pay you 225 Euros, her share of the apartment cost. She says she cannot afford that, but is willing to pay 75 Euros. You don’t want to have
bad feelings with another student, but you don’t know if you can find someone acceptable to take her place. You do enjoy having more space to yourself, but you’re paying more than you planned. Would you accept the 75 Euros?

We asked one of two versions of this question to fifty seven students in a negotiation and mediation course at Humboldt University in Berlin in the summer of 2011 (see Appendix). The question immediately above was posed to the first group of students. Approximately sixty-eight percent of this group of students accepted the offer of 75 euros to resolve the situation—or nineteen out of twenty-eight.

Another group was given a questionnaire with the same language as above except one additional paragraph was included at the end of the hypothetical which said:

You [the offeree] went to coffee with her to discuss this and she generously offered to pay the bill for coffee and pastry, which you appreciated and accepted. You also felt good that she was concerned that the situation was difficult for you. You did not accept her proposal for 75 Euros at the time. You told her you would think about it. Do you accept her offer?

Offerees who were treated to coffee tended to decline the offer: only eleven accepted the offer and eighteen declined, an acceptance rate of thirty-eight percent. We did not ask for an explanation, but the data suggests that the generosity wasn’t generous enough – or, perhaps, was insulting under the circumstances or perceived as manipulative. Or, perhaps, giving the offeree time to think about the offer might have meant that the phenomenon of loss aversion does not influence the immediate response, as it might for the first group.

The numbers tested are too small to say anything conclusive, except perhaps that generosity, like apology, is not simple. Drawing the analogy with apology further and comparing the research on apology (see, e.g., Brown and Robbenholt 2006), one might venture that it may be essential that the generosity be perceived as sincere and as in keeping with the overall
situation. Here, where the offeror “owed” 225 euro, the coffee and pastry might have seemed paltry.

We also understand that generosity may be experienced and be received differently depending on the culture of the people involved. In some cultures, for example, acts of generosity are the norm. In middle-eastern cultures, for example, negotiations begin with generous hospitality, which is “not merely secular but also sacred.” (Phyllis Bernard 2010) However, the discussion of generosity and culture are beyond the score of our present chapter.

The Right Thing for the Wrong Reason

What if you became persuaded by this essay and regularly engaged in acts of generosity as a negotiation ploy to get a better deal for yourself? Would such calculated generosity work in the same way that true generosity might? The experiment above is one cautionary example.

We suspect that anything disingenuous can be ferreted out for what it is, and ultimately will not work. Real generosity lies not in asking for anything in return, and further, not offering something in expectation of a quid pro quo. It is the experience of being on the receiving end of real generosity that triggers generosity in return.

On the other hand, various religious traditions counsel doing good deeds even if the doer’s heart is not in the right place. The correct state of mind may then follow from the good acts, and, in any case, the good karma created will someday rebound to bless the good actor.

The Risk of Exploitation

In the Prisoner’s Dilemma game, it is now well known that the best strategy over time is Tit-for-Tat. Following that strategy, a negotiator would be cooperative (generous) to begin with – but when his counterpart is competitive (greedy) the negotiator would reciprocate in kind. After this
exchange the negotiator would once again signal cooperation. The most effective negotiator would be willing to suffer some losses (as compared to the negotiator who exclusively claims value) in order to change the overall game to cooperation (Axelrod 1984). One way of looking at this is that there is a price for being generous, when generosity is exploited.

Generosity responded to by relentless greed will ultimately be withdrawn, however, as in the Tit-for-Tat strategy. In the world of negotiation, it would be unwise to give away the store. Nonetheless, the display of a generous intent should, on average, have better consequences.

In Howards End, E. M. Forster (2000) described an incident in which a character leaves his umbrella in a theater, and it is taken by another. After the incident, the character regrets that he did not jealously guard his property. Forster, through another character, comments that some losses will be incurred by adopting a more trusting attitude towards human nature, but that if your trust is betrayed it is “rent to the ideal.” Where generosity is taken advantage of, at least the generosity was not done in expectation of reciprocity, and it can be seen as “rent to the ideal.”

Conclusion

A concluding story. A US company ("shipping company") contracted to build and operate an offshore vessel which would process and store oil produced by an oil field (“oil field”) in the middle east. This was the largest vessel of its kind in the world and was specially designed for use in this location. The vessel left the ship-yard where it was being constructed a few days late and the oil field terminated the contract because of the late delivery (as it was entitled under the contract) and renegotiated the contract with the shipping company to a much lower daily rate. Because the vessel was specially built for the particular oil field and could not be used elsewhere in the world, the oil field took advantage of the late delivery to obtain a much better
deal from the shipping company.

About 16 months later, the oil field wanted some special equipment installed on the offshore vessel as legally required by the local environmental authorities and offered to pay the full cost of the installation and also pay the shipping company an additional daily amount to compensate for the cost of operating the new equipment. While the shipping company believed that cost of operating the new equipment would be no more than a few hundred dollars per day, sensing that it had the oil field over a barrel and in an effort to try to recoup some of the losses caused by the cancellation of the contract, it requested an increase in the daily rate for the vessel in the amount of $15,000 per day.

The oil field viewed this as extortion and found another way to comply with the environmental requirement without paying the shipping company a single additional dollar.

A year later, the shipping company and the oil field met to discuss extending the contract. Each needed the other—the offshore vessel was essential for the success of the oil field, and the shipping company has no other opportunity for the vessel. They could not close on certain key issues because the oil field recalled having been held up by the shipping company and vowed never to let it happen again. In other words, the shipping company’s effort to extort $15,000 per day for something that was at best worth a few hundred dollars per day created a level of distrust which undermined the bargaining. On the other hand, the shipping company has never forgotten that the oil field cancelled the contract even though the offshore vessel was only a few days late.

Imagine what might have happened had the oil field been forgiving with respect to the delays at the shipyard or that the shipping company had offered to operate the new equipment at no charge. Generosity here would have taken the form of not being opportunistic when an
opportunity presents itself. The big contract, so crucial to both companies, would have been concluded without unnecessary transaction costs and delays. Instead, the companies are mired in impasse over every small issue.

Why was generosity neglected by these negotiators? Beyond religious teachings, we believe generosity should be seen as a basic human value relevant in commercial, and other, dealings. As Robert Ashby, a well-known British humanist, said, “Our evolved history and moral sensibility have given us shared human values and the ability to empathize with others” (Ashby 2001: 59). Many of us are generous in our daily lives with our colleagues, family and friends. When we negotiate, should we lose this attitude of magnanimity and raise our defenses? What pays off better—short term and long term? Ask the shipping company and the oil field.

So, what do you “know” about negotiation that you do not find in the books? Does a warm smile help lead to a good deal? Does “breaking bread together” help? By all means, study up on BATNAs, zones of possible agreement (ZOPAs), and positions and interests, but do not neglect what you know in your heart and what you learn from religions. You might get the best deals in the long run if you are generous.

Notes

We would like to thank Professors Jim Coben and Ellen Waldman for their helpful feedback on the draft and Kukin Program Fellow Glen Parker for his thoughtful input.

References


Armstrong, K. 2010. Twelve Steps to a Compassion Life, 2010


Appendix

Imagine that the following has happened to you here in Berlin:

You arranged over the internet to rent an apartment in Berlin for the two weeks you are here. You also arranged to share the apartment with a colleague from Italy who is also taking the course at Humboldt University. The apartment cost 450 Euros for two weeks, as it is a 30 minute bus ride from the Mitte (the center of town) and Humboldt.

When you arrived in Berlin, the apartment was fine, but your roommate never appeared. She was, however, at the program on Monday morning, and she told you that her plans changed when her boyfriend decided to come with her to Berlin. She tried to call you but never got an answer. She left a voicemail message for you, but you did not get it because you don’t check voicemail. She simply forgot to send an email or a text, which is how you always communicate.

It seems that everyone in the program has housing, though you haven’t asked about other Humboldt students, as you don’t want an absolute stranger for a roommate.

You would like her to pay you 225 Euros, her share of the apartment cost. She says she cannot afford that, but is willing to pay 75 Euros. You don’t want to have bad feelings with another student, but you don’t know if you can find someone acceptable to take her place. You do enjoy having more space to yourself, but you’re paying more than you planned.

You went to coffee with her to discuss this and she generously offered to pay the bill for coffee and pastry, which you appreciated and accepted. You also felt good that she was concerned that the situation was difficult for you. You did not accept her proposal for 75 Euros at the time. You told her you would think about it. Do you accept her offer? Check one:

________ yes  __________ no

The second questionnaire was identical to the one above except that it did not have the highlighted paragraph.

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2 Cited in Bahai Funds and Contributions, p. 16 (Also available at http://baha-library.com/compilation_funds_contributions)
Key Considerations for Community Leaders Facing Civil Unrest:
Effective Problem-Solving Strategies That Have Been Used in Other Communities

Submitted by the Divided Community Project
The Ohio State University Moritz College of Law
Local leaders facing the immediate aftermath of a divisive incident should consider helping their staffs to take the following six steps roughly simultaneously, all discussed in more detail in this document:

1. Bring in intervenors with experience in volatile community conflicts and conflict resolution expertise to advise your leadership team and begin discussions with stakeholders on a process for solving problems.

2. Identify and engage stakeholders, those persons who have a stake in the conflict or can be a resource for developing and implementing a durable resolution.

3. Keep in mind the brittleness of some residents’ trust in their local leaders in the midst of volatile conflict and follow approaches likely to develop or enhance that trust.

4. Agree to protocols between law enforcement and other local officials so that public officials do not work at cross-purposes.

5. Develop communications strategies that match the unfolding situation and the variety of interested media.

6. Identify the factors external to the triggering incident that may have contributed to the conflict and then define and frame the issues, right from the beginning, to reflect the way in which residents view the conflict.

Once the immediate crisis has passed, local leaders should consider longer-term strategies for addressing the underlying causes of the conflict:

1. Work with intervenors to deepen the collaborative processes established immediately after the conflict began with the aim of developing long-term plans and implementation strategies.

2. Maintain interaction with the public throughout this extended collaborative process to assure that it is addressing the issues that the community is grappling with.
What begins as a normal day in a local community can erupt in protests and demonstrations by evening; looting and violence may follow as the evening progresses. The spark may be an incident that illuminates a deep divide among residents and touches emotional nerves. Media coverage can spread the news quickly, and social media can both feed emotions and lead to gatherings to express opinion or foment disorder.

Local public officials and other community leaders have little time to react when faced with divisive issues and events. Many recent incidents triggering unrest have galvanized concerns about racial profiling in law enforcement though this document offers strategies more broadly. For example, imagine the following: Several members of a non-majority religious group announce plans and funding for a high profile center celebrating its tenets. Within hours, the community faces conflict. Or another community learns that buses full of refugees will be brought to their community for temporary care, and a mob forms to stop the buses.

Though leaders in these situations have little time to act, their early decisions influence the course of events for months to come. In one recent situation, for example, the decisions that left a body of a young man shot by a police officer uncovered for hours and that moved military-type tanks into position near a protest, conveyed to some members of the public a deep lack of respect and an “us versus them” attitude. Those decisions shaped the form, tone, and content of subsequent interactions between public officials and community stakeholders as they acted to promote order, sustain dialogue, address issues, and advance the general welfare.

This document grows out of an April 9, 2015, meeting of leaders (city officials, police chiefs, civil rights organization leaders, and mediators) from throughout the country who came together and shared their experiences, knowledge, and insights about dealing with civil unrest in communities. The meeting was so productive in terms of coming up with “lessons learned” that participants urged the organizers to compile, organize, and transmit those lessons to leaders in government, business, the faith community, and others with an opportunity to contribute.

This document identifies for local leaders some considerations for actions that they might take to deal with such conflicts in those critical early moments as well as in the weeks that follow. The primary intended audience is these local leaders who will take charge in the event of unrest, as well as the staff they charge with various tasks. But we also hope to make it useful to business, bar, faith community, and advocacy group leaders who play crucial roles in these situations. We invite and encourage those serving particular sectors of this audience – mayors, law enforcement, advocacy groups, for example – to draw from and tailor this document for each constituency. In fact, The Creative Commons Attribution-Share Alike International License (see page 2) authorizes this collaboration, seeking only attribution as other groups publish this or an adapted text for nonprofit and nonexclusive purposes.

The Divided Community Project has also written Planning in Advance of Civil Unrest (2016), a document to guide communities that seek to improve the resilience of a community, to identify issues and create ways to address them before they cause an eruption, and to be prepared to deal constructively with unrest if it occurs. The Divided Community Project’s goal is to continue to develop and distill materials for public officials and other community leaders in communities facing volatile conflict as new insights are developed by those who work with or study divided communities. It is an iterative project; as the Project learns of new information, it will add to and modify this document and other project materials to reflect new insights.
ACKNOWLEDGEMENTS

The Divided Community Project is housed at The Ohio State University Moritz College of Law. The steering committee for the Project includes: Nancy Rogers, Professor Emeritus, The Ohio State University Moritz College of Law, and former Ohio Attorney General; Josh Stulberg, Moritz Chair in Alternative Dispute Resolution, The Ohio State University Moritz College of Law, and mediator in community conflicts; Susan Carpenter, public policy and community mediator, trainer and co-author of Mediating Public Disputes; Andrew Thomas, mediator in community conflicts and Community Relations and Neighborhood Engagement Director, City of Sanford, Florida; Chris Carlson, public policy mediator and Chief Advisor, Policy Consensus Initiative; Sarah Rubin, Program Manager, Public Engagement, Institute for Local Government (serving California); and Craig McEwen, Professor Emeritus, Bowdoin College, and social scientist evaluating mediation and dispute resolution. Grande Lum, Director, Community Relations Service in the U.S. Department of Justice, generously shared his counsel as the project was shaped and joined the meeting on April 9, 2015 at The Ohio State University Moritz College of Law. William Froehlich, Langdon Fellow in the Program on Dispute Resolution at The Ohio State University Moritz College of Law, later joined the project and has helped to shape this report.

We are grateful as well to the others who, in addition to steering group members, attended the April 9, 2015 meeting, many of whom also contributed to editing this document.

- Community Relations Service conciliators: Derryck Dean and Thomas Battles;
- Sanford, Florida leaders: City Manager Norton Bonaparte, Jr., former Sanford Police Chief Richard Myers (now Chief of Police, Newport News, Virginia); Valarie Houston, Chair of the Sanford inter-faith coalition; and city mediator Andrew Thomas, mentioned above;
- Public officials from other state or local communities: Kimberly Jacobs, Chief of Police, Columbus, Ohio; Derrick Diggs, former Chief of Police, Toledo, Ohio; Jennifer Thornton, Outreach Coordinator for the U.S. Attorney’s Office (S.D. Ohio); and Lou Gieszl, Assistant Administrator for Programs, Administrative Office of the Courts, Maryland;
- Advocacy group leaders: Mickie Luna, Immediate Past National Vice President, League of United Latin American Citizens, and Hilary O. Shelton, Senior Vice President for Advocacy, NAACP;
- Representative of an institute devoted to educating local officials: Terry Amsler (emeritus), California’s Institute for Local Government;
- Experienced divided community mediators from outside CRS: Michael Lewis, JAMS, and Gwendolyn P. Whiting, Everyday Democracy;
- Bar leaders: Reuben Shelton, President, Missouri Bar Association, and Carl Smallwood, Immediate Past President, National Association of Bar Presidents;
- Researchers in the field: Maxine Thomas, Vice President and General Counsel, Kettering Foundation, and April Young, New Equity Partners.

We are indebted to the Kettering Foundation for its collaboration on the project and The Ohio State University Democracy Studies Program for their resources, and to The Ohio State University Moritz College of Law and particularly its Dispute Resolution Program for hosting the meeting and the Project, Dean Alan Michaels for his enthusiastic support, the Moritz Law Library for superb technical assistance to the Project, the Moritz Communications Department for their design and technical assistance, and the National League
of Cities’ REAL (Race, Equity And Leadership) Initiative and staff.

We thank many others who made helpful suggestions to earlier drafts, including Rachel Allen, Peace and Justice Institute Coordinator, Valencia College; Napoleon A. Bell II, Executive Director, Community Relations Commission, Columbus, Ohio; Mike Kasperzak, Councilmember, Mountain View, California; Julie Nelson, Director, Government Alliance on Race and Equity; Scott Paine, Florida League of Cities University Director of Leadership and Education, Florida League of Cities; Gloria Reyes, Deputy Mayor to Public Safety, Civil Rights and Community Services, Madison, Wisconsin; C.J. Robbins, Program Coordinator, Black Male Achievement, Portland, Oregon; Cindy Schmidt, Director, Center for Law and Policy, Department of Legal Studies, University of Central Florida; Karl Skala, Council Member, Columbia, Missouri; Carter Stewart, U.S. Attorney for the Southern District of Ohio; Jonas Subaar, Data Analyst, Savannah, Georgia; Harold Thompson, Mayor, Union, South Carolina; Jeff Weisensel, Council member, Rosemount, Minnesota; Mike Wojcik, Councilman, Rochester, Minnesota; Victoria Woodards, Council Member, Tacoma, Washington; and Lana Zaghmout, Policy Analyst, Detroit, Michigan.

We express appreciation as well to the dedicated work by the students in the 2015 Ohio State University Moritz College of Law Dispute System Design Workshop, particularly Shanell Bowden, Baylee Butler, Elisabeth McClear, Curt Priest, Robin Reichenberger, and Sara Scheinbach, who used their dispute resolution background to provide research for the April 9 meeting, act as co-facilitators, and distill results. Lauren Madonia, a teaching assistant for the Workshop, Baylee Butler, Robin Reichenberger, and Sara Scheinbach stayed involved after the class and interviewed April 9 participants as well as using their talents and expertise in many other ways to further the Project.
INTRODUCTION

When community leaders are faced with civil unrest, they find themselves playing critical roles in restoring peace and public safety, protecting the community, and responding to the media. But these leaders can achieve greater success if they organize their staffs to juggle even more interests and issues, according to those experienced in dealing with these conflicts.

In order to respond effectively to civil unrest, leaders need to be able to quickly create a framework for getting people from across the spectrum to work together to address the many challenges. The level of response called for, and the necessity of dealing with difficult issues, requires coordinated actions among many players. The nature of the political environment in the community also has an impact. Such things as whether the political players are on the same “team”, or whether previous divisions existed are factors that can make it more challenging to deal with the situation and develop the working relationships needed to address the problem.

This document addresses key considerations for leaders faced with these difficult situations. The first section provides suggestions leaders can employ to help their communities handle the immediate aftermath of a divisive incident. These considerations include: bringing in skilled intervenors to help mediate the conflict and assist in developing strategies at every step; working with law enforcement, key stakeholders, and the media; defining and framing the issues; and building trust. The second section deals with longer-term strategies for addressing the causes of conflict. The goal of the strategies is to facilitate the constructive expression of concern and to guide this advocacy to enduring resolutions rather than to violence and deeper bitterness.

Each of the suggestions includes some possible strategies for implementation and an illustration of the strategy in practice. The Appendix lists resources for securing additional information. A second document by the Divided Community Project, Planning in Advance of Civil Unrest (2016), counsels on how communities might plan to deal with civil unrest while also developing ways to deal with division before it escalates to polarization and civil unrest.
Dealing with the Immediate Aftermath of a Divisive Incident

As conflict emerges, community leaders will be focused on providing safe avenues for expression of concerns and on de-escalating or reducing the intensity of the conflict in order to preserve peace and protect the community. It may not be until the immediate impact of the incident has been handled that they will think of moving toward achieving outcomes that will deal with the heart of the problems and create a more resilient community, the topic of the next section, but there is reason to work on both objectives together as soon as feasible. This section aims to synthesize and consolidate the collective wisdom of community leaders and professionals with experience in dealing with the most pressing early issues.

I. INTERVENORS

Bring in intervenors with experience in volatile community conflicts and conflict resolution expertise to advise your leadership team and begin discussions with stakeholders on a process for solving problems.

Bringing in an intervenor who has worked in other volatile community conflicts allows the community to benefit from first-hand knowledge developed in other communities. The intervenor can draw on this experience to help leaders shape the crucial first responses to the conflict.

The intervenor can help local leaders develop a process to deal with the threat of violence or actual violence that has occurred, develop safe avenues for people to express their views and emotions, and begin to address the issues that are at the heart of residents’ concerns. Organizing these processes immediately is important, but feasible in that short timeframe only with the engagement of intervenors. Once this happens, people may feel less need to escalate their actions in order to gain the community’s attention. In the context of a conflict regarding racial disparities, Hilary Shelton, Senior Vice President for Advocacy, NAACP, advises leaders, “Lay out a strategy for de-escalation that demonstrates a way forward (a pathway to better conditions). For example, [local officials] need to demonstrate an understanding of the racial disparities, historic context and a way to address those issues.”

Local intervenors may effectively assist with de-escalating a volatile community conflict and brokering a durable solution. However, some of those involved in the conflicts may only speak to outsiders from agencies like the Community Relations Service (CRS). Congress created CRS to assist communities when community conflicts or tensions arise from differences of race, color, national origin, gender, gender identity, sexual orientation, religion and disability. “Third parties can make difficult conversations safe,” explains Grande Lum, Director of the Community Relations Service, a U.S. Department of Justice agency that has statutory protection for its confidential mediations.
POSSIBLE STRATEGIES

- Call the Community Relations Service of the U.S. Department of Justice. Even if CRS does not intervene directly, it can provide confidential counsel. CRS uses a neutral, behind-the-scenes approach of assisting in conflict situations. CRS is not an investigatory or prosecutorial agency, and it does not have any law enforcement authority nor does it forward confidential information to law enforcement agencies within or outside the Department. For more on CRS, see the Resources section at the end of this document.

- When possible, engage local intervenors/mediators who have experience in volatile community conflicts. This strategy makes sense even if CRS intervenes. CRS can partner with local intervenors, who can stay in the community longer to create a sustainable solution and construct a process that can adapt to address subsequent community conflict. To identify these persons, contact CRS, city officials in communities like Sanford, Florida that have recently dealt with community conflict, or nonprofit organizations such as Everyday Democracy and Public Conversations (see Appendix).

- Look for conflict experts within and outside your communities who can supplement the work of these individuals. Bar associations, businesses, and faith communities, for example, may suggest people whose mediation training allows them to be a positive force as demonstrations unfold or as people need an opportunity to discuss emotional issues. They may have the background to arrange events that will be helpful in expressing emotions and identifying underlying concerns. In addition, conflict experts from within your community may be able to provide context and insight regarding the origins of the conflict or the culture of the local community to aid the other intervenors in their work.

ILLUSTRATION

“In 2012 George Zimmerman, a Hispanic neighborhood watch volunteer, shot and killed Trayvon Martin, [an African-American teenager]... When the Sanford Police Department did not immediately arrest George Zimmerman, a group of African-American residents issued demands related both to the arrest and prosecution of Zimmerman and to their concerns about broader racial injustice within Sanford. Once the state appointed a special prosecutor, and the prosecution of Zimmerman began, the legal system’s response to the shooting moved to the prosecutor’s and court’s domains.

“Some city officials spoke optimistically about resolving the concerns about and moving past what they viewed as a single incident, but Andrew Thomas [a city official who had spent his career as a mediator] dealing with community conflict in New York] had a different view. Thomas had been talking with African-American residents broadly. The issues would have to be shaped over time, and they would be broader than Zimmerman’s shooting of Trayvon Martin. Moreover, having worked in polarized situations before, Thomas predicted that national groups of various kinds and media would arrive within days and would assert additional demands and viewpoints. These groups would sometimes attract crowds and sometimes seek confrontation....

“Because many African-American residents distrusted the city officials, city officials asked the Community Relations Service at the U.S. Department of Justice to send mediators to improve relationships across the communities within Sanford. If CRS mediators succeeded, that would give some resilience to the community in
the coming months as national media and national groups arrived and might ultimately make it possible to have a cross-community dialogue about the issues that divided the city’s residents. CRS recognized the potential for serious consequences in Sanford and sent mediators from a number of regional offices. Sanford and CRS officials agreed that CRS would first build relationships among the clergy in Sanford; the clergy after all cared about a peaceful resolution, and people from [across] Sanford’s communities trusted their pastors.... In time, Thomas helped facilitate conversations about changes in Sanford....

“No violence occurred in Sanford during these demonstrations. Sanford’s police made no arrests. Local talks continue, and Thomas sees people talking with each other who would not have done so a few years ago. The police continue to change. Residents remain engaged. Thomas expects that it will take more time, though he says that, increasingly, people are proud to be Sanford residents.”


II. STAKEHOLDERS

Identify and engage stakeholders, those persons who have a stake in the conflict or can be a resource for developing and implementing a durable resolution.

Early engagement of key stakeholders serves a number of purposes. First, even in the earliest actions, leaders can be more effective if they understand key groups’ fundamental concerns. “Community leaders need to understand what the hot button issues are and what interests there are,” explains Thomas Battles, CRS Conciliator and Regional Director.

Second, as discussed above, conflict escalates when people feel their voices are not being heard. Conflict may also escalate if those who hold the key to the solution do not appear to be engaged. But seeking the engagement of these individuals offers hope of a solution.

Third, community bridge-builders within the community can be helpful from the start. People listen to key community leaders and they can help people understand the issues causing conflict as well as the goals that bind the community together. Community leaders can introduce and explain the processes for enabling community members to be heard. But business leaders, leaders in the legal profession, and others often will not come forward unless asked. Gwen Whiting, experienced intervenor and Senior Associate at Everyday Democracy, suggests “Ministers have the ear of the public.” Richard Myers, who served as police chief in several cities, notes the importance of adding other bridge-building leaders as well as faith leaders. “Leadership is situational,” he says. “We need to be nimble enough to work with the leadership that develops in a given situation. It won’t always be faith leaders. Young people aren’t going to church the way their parents were.”

Gathering the right people to be involved – and involving them in the right ways – will probably require consultation with the intervenor. For example, on the questions of what individuals to involve, Andrew Thomas, a mediator who played a key role in Sanford, Florida, and who spent his career mediating in New York, notes that those who step forward to be heard are not necessarily those who should be engaged on a regular basis, though one should always be in communication with them. For regular involvement, he urges looking for those who are influential or who are decision-makers within particular communities of interest. In addition, the intervenor may identify points of view or areas of expertise that should be represented by someone.

Getting the right people involved will also be an iterative process. As the group begins to suggest solutions, for example, involving a more people may facilitate implementing the solutions. Or if one
POSSIBLE STRATEGIES

• Assign a staff member to identify, in consultation with the intervenor and others, individuals who may be affected by or have an effect on the effort, and to continue that process of identifying additional persons on an ongoing basis.

• Establish liaisons between community officials and these diverse community members, using a strategy that keeps local officials in communication with some people on a limited basis and engages others who can be more constructive on a regular basis. See, e.g. a U.S. Attorney’s Office outreach, http://www.justice.gov/usao-ndoh/community-outreach.

• Identify interests that need to be represented even when no one with that interest has asked to be heard and choose those who can represent these interests. “Community leaders have to find a way to engage the disenfranchised,” pointed out Richard Myers, Chief of Police, Newport News, Virginia; former Chief of Police, Sanford, Florida, noting especially the importance of reaching “the new generation, the new political leaders, the new group of activists.”

• Involve people who can help build bridges to various interest communities and to organizations that can help provide solutions, and facilitate communications between these groups. Depending on the community and the issues, these might include faith leaders, business and bar leaders, youth leaders, and others. In one rural community, the only local physician served this role.

• Consider involving experts, individuals who know the community well and local conflict intervenors, who may help officials understand historical and other background issues in conflict. Understanding the depth of the problems underlying the conflict will help identify stakeholders to engage in finding solutions.

• Consider whether these individuals need training to participate effectively. CRS and nonprofit organizations can provide training.
ILLUSTRATION 1

“In February 2012, CRS worked closely with leaders of the African American community and Korean merchants to reduce tensions stemming from an incident that occurred between an influential religious leader and a merchant during a store purchase. The incident received considerable coverage by local media and resulted in boycotts, protests, and heightened community and police concerns over the potential for violence. In response, CRS convened community leaders and the local clergy alliance, members of the Korean merchants’ association, and local officials to engage in a facilitated dispute resolution process. The groups met, were led through a problem-solving dialogue, and developed an action plan that included an agreement by the members of the association to increase customer-service standards and to develop a collaborative program to educate both the African American and Korean communities about the other’s cultural norms. In addition, CRS worked with African American community leaders and the Korean Merchants’ Association to establish a permanent working group that would meet regularly to address a number of long-standing community issues beyond the scope of the initial conflict.”


ILLUSTRATION 2

In Sanford, Florida residents recently sought an apology for the closing of a city pool fifty years earlier. Some of the city leaders at first found the demand irritating; it occurred so long in the past. But involving a city historian helped the city officials to understand that people still living had been excluded from swimming in a city pool because of “whites only” policies and that these people recalled vividly that the city had closed the pool because federal law otherwise required them to integrate. The historian helped officials realize that, though they had not perpetrated this harm, they could be a part of resolving this still-current bitterness by acknowledging what had occurred and the effects of the insult on many of its residents and suggesting an official city apology. Though the apology did not occur, the conversation was cathartic for participants.

III. TRUST

Keep in mind the brittleness of some residents’ trust in their local leaders in the midst of volatile conflict and follow approaches likely to develop or enhance that trust.

In order to de-escalate a community conflict, it is important that people feel that they can trust those in charge – that their leaders are honest and open and that they understand and care about all segments within their community. The incident that sparks unrest may be one that undermines that public trust, at least for a part of the community.
Public officials’ early actions and statements following such an incident may also build or diminish trust. For example, if the problem is characterized in terms of “us versus them,” some portion of the community will doubt that public officials view it as their duty to serve them. In emotional conflicts, an official’s silence or lack of openness, a typical reaction in such situations, may weaken public trust. Treating something as “business as usual,” when a segment of residents are upset, may engender a lack of trust that officials care about those residents. Norton Bonaparte, City Manager, Sanford, Florida, underlines the importance of focusing public officials on this issue: “People don’t care what you know, until they know that you care.”

Actions and decisions also affect trust. If a quick promise is made that the official has no ability to keep, it may cause people to doubt the honesty of their leaders. So, too, people may feel alienated from leadership when a leader announces a decision without explaining all of the viewpoints that were taken into consideration before making it.

### POSSIBLE STRATEGIES

- **Help your staff understand that some conflicts are precipitated or arise because of a lack of trust, and they must work to earn public trust in this context.**

- **Develop an understanding of the needs and concerns of all of those involved and demonstrate that understanding.** Hilary Shelton, Senior Vice President for Advocacy, NAACP, put it this way: “If a government official came to the people and said, ‘Trust me,’ the first question they want to have answered is ‘Why?’ As we think about what we expect from those we empower in our government, there is an expectation that they know what our needs are. Government needs to demonstrate an understanding of what those needs are.”

  - Involve people from multiple disciplines and viewpoints in examining the economic, social, and political realities for each community within the community and be sure that those speaking for the community understand these realities.

  - Convey compassion for people expressing a sincere viewpoint, regardless of their stance or the issue at hand.

  - **Demonstrate an understanding of the heart of the problem, not just the most recent incident.** Leaders can do this by defining the issues broadly enough so that all can embrace the definition. For more detail on doing this assessment, see another Divided Community document, *Planning in Advance of Civil Unrest* (2016), Step 2.

  - **Determine whether those representing the government side are as diverse (taking into account the issues in conflict) as the community as a whole.** If they are not, it may help to involve diverse individuals and demonstrably listen to them. “We can’t simply listen to the insiders, we need to hear from all the voices in the community,” said Carl Smallwood, immediate past president, National Association of Bar Presidents. “Community leaders must surround themselves with diverse partners in order to speak with authority.” Speaking to the law enforcement context, he added, “It’s hard to promote faith in the rule of law if there is a stark racial contrast between those charged with enforcing the law and the communities they serve.”
• **Explain clearly what has been decided and why, and convey those explanations so that they will reach all parts of the community, even if this is not typically done.** “The community leaders need to show courage, integrity, and leadership. They need to make decisions that maybe everyone won’t agree with, but will understand why the decision was made and what went into making it,” said Richard Myers, Chief of Police, Newport News, Virginia; former Chief of Police, Sanford, Florida.

• **Determine whether and how public officials can respond to some issues early on.** For example, Andrew Thomas suggested the following based on what occurred in Sanford, Florida: “Officials should go to the town-hall meetings and be prepared to listen. Determine if there are things that you can address that will establish good will and show that you care (find the ‘low hanging fruit’).

• **Form a communitywide advisory council to provide advice and counsel in matters of policy, strategy, and tactics to the community leadership.** An advisory council can provide valuable suggestions and feedback as the city develops its response strategy as well as become a conduit for disseminating a consistent message. Though it may help do to this immediately, the advisory council may also become the platform for addressing underlying issues in the future. Because of the strategic gains in forming this council with current considerations in mind, it may make sense not to charge an existing council, such as a mayor’s police advisory council, with these new tasks.

• **Show a sense of urgency regarding the concerns of all parts of the community.** The public wants community officials to “show some urgency.” “When there is something ‘cooking,’ people don’t want their government moving at snail pace,” points out Richard Myers, Chief of Police, Newport News, Virginia; former Chief of Police, Sanford, Florida.

• **Be certain that all parts of the government “walk the walk.”** Consider training code enforcers, law enforcement, courts clerks and others on issues of equity and sensitivity. Train those who will represent the local government at various gatherings. Two forms of training illustrate what may be helpful:

  • One trainer suggests the following: “Many intervenors will first demand compliance from the escalated person by telling them to be quiet or to ‘calm down’... As a way to unplug the power struggle, ask the person why they are upset or what they wish to achieve. Your question, together with a demonstration that you are listening, signals to the escalated person that you are interested in supporting them” (Services Alternatives Training Institute).

  • CRS conciliator Thomas Battles also suggests that training in conversations about race might be appropriate: “People are afraid to take on the issue of race and racial tension even though we know it exists. For city officials, it is key to deal with it from the outset and understand how to manage those conversations – an issue of preparing for these instances.”
IV. PROTOCOLS BETWEEN LAW ENFORCEMENT AND OTHER LOCAL OFFICIALS

Agree to protocols between law enforcement and other local officials so that public officials do not work at cross-purposes.

Often the first individuals on the ground helping to defuse community conflict are members of law enforcement. It is important that mayors and other city leaders, both formal and informal, establish a working relationship with law enforcement in order to properly establish rules of engagement and to coordinate the de-escalation measures. The strategy may change depending on whether law enforcement is the lightening rod in the conflict. In all situations, though, a goal should be to help law enforcement be a part of the solution and be viewed by the public in that way.

POSSIBLE STRATEGIES

- Engage law enforcement early; encourage them to work together with the intervenor and community officials to de-escalate the conflict. Develop protocols – who calls whom and who does what – for each likely situation.

- Divert those who do not belong in the criminal justice system as much as feasible, both pre- and post-arrest.

- Develop a protocol, sensitive to the situation, regarding informing the public. If the public is concerned about whether the mayor is in charge of law enforcement, for example, it may be best for the mayor’s office to issue media releases about police matters. In other situations, police departments may directly stay in touch with the public about what they have learned and their actions.
• Consider how law enforcement presence will affect efforts to de-escalate in each situation. Will it deter or precipitate violence? Should trained community members stand between demonstrators and law enforcement? Should law enforcement representatives participate as community members in town hall meetings? On the positive side, such participation may give them an opportunity to hear from the other side in an environment where a moderator is present and they can speak directly to residents about their decisions.

• In situations involving race particularly, consider whether to begin holding regular meetings between members of law enforcement and members of the community. Two law enforcement leaders explain the rationale:

• “To say that the minority community has a conflicted relationship with law enforcement is a profound understatement,” said U.S. Attorney General Loretta Lynch. She added, “But if you listen closely, you can hear how often both groups are saying the same thing: ‘Don’t look at me and just see the uniform.’ ‘Don’t look at me and assume the worst.’ There is a mutual desire to be understood. We can find commonality from this common ground” (U.S. DOJ COPS, Strengthening the Relationship Between Law Enforcement and Communities of Color 2014).

• Cincinnati’s police chief, Jeffrey Blackwell, sounded a similar theme: “Policing is all about relationships, and in order to do that, we have to recognize that we have fractures. Be authentic, transparent, and a sustained force in the community and explain your culture. It’s all about how you treat people and the relationships you build” (2014 Conference by Office of Community Policing, U.S. Department of Justice).

ILLUSTRATION

Three years after the shooting of Trayvon Martin by a neighborhood watch volunteer in Sanford, Florida, national attention had turned elsewhere. One morning, the National Action Network (“NAN”), a group headed by Rev. Al Sharpton, notified a Sanford official of plans to march to the Sanford courthouse at 6:00 that evening, a Friday, to bring media attention to police actions in Baltimore. Sanford was holding an arts festival that weekend, with 200 vendors setting up in streets that had been closed for the event and thousands of visitors on their way to attend. Fortunately, Sanford had a list of about 25 people – city officials, city and county law enforcement, media relations, permit offices, and more – were ready to deal with urgent issues like this and could be part of handling the NAN march and demonstration in the best possible way. A city official contacted someone at NAN indicating the willingness of the city to cooperate with planning the event and arranging for police protection for demonstrators, and asking if there was a willingness to be flexible about the route to the courthouse. The answer was yes. With quick cooperation among local leaders, the NAN march and arts festival proceeded simultaneously and without conflict that evening, with media connections and law enforcement protections, including police helicopters to ensure the safety of demonstrators, in place.

– Andrew Thomas, Senior Project Manager and mediator, Sanford, Florida.
V. MEDIA/COMMUNICATIONS

Develop communications strategies that match the unfolding situation and the variety of interested media.

The course of the conflict may depend in part on the media/communications strategy developed in the first hours after leaders first become aware of the problems. The first interview clip may be played again and again, potentially exciting negative emotions each time. As CRS Director Grande Lum has observed, “How the information is explained and made public has a great impact on reducing the potential for community disruption.”

Every aspect of de-escalating a conflict and moving to positive solutions depends on an effective media/communications strategy. That strategy will affect whether people know that their concerns will be addressed through a process, their levels of emotion, their trust in their leaders, their confidence in law enforcement, and their ability to work together as a community in the future. Thus, the group that develops the media/communications strategy should take into account these aspects in their strategy.

The protocols need to avoid confusion among local officials. Sanford, Florida’s City Manager Norton Bonaparte, reflecting on the aftermath of the Trayvon Martin shooting, said, “We need to not only get the story out accurately, but we also need to determine who is the appropriate person to get the story out. Find out who has the information, who can distill that information, and who should be the one to disseminate it. It’s important that everyone has the same story and understands the city’s position and legal obligations so that you are prepared whenever the media stops you on the street.”

Communications by others may also affect the course of the conflict. Leaders can develop a strategy for dealing with them, though they do not control them. Many of these persons care about averting violence, for example, and, if reminded, will be open to including admonitions about peaceful responses in their statements. The communications strategy might also include plans for events at which people express emotions and listen to each other. Increasingly, the strategy must incorporate ways to deal with social media and with national media outlets. The perception broadcast by national media may not fit how local residents experience the conflict. In Baltimore, for example, in the aftermath of the death of Freddie Gray in police custody, one national media outlet featured an evening-long countdown to the implementation of a city-wide curfew, though the Baltimore streets were largely empty and local media had moved on to other stories.
POSSIBLE STRATEGIES

• **Immediately convene a media/communications strategy meeting.** It should include communications professionals (including those accustomed to dealing with the national media), those who understand the sensitivities regarding the conflict, those who have experience in other such community-wide conflicts (perhaps the intervenor), and key public officials, including law enforcement. Questions for this group include:
  
  • Who should speak to the media and in other settings?
  
  • How can the communications convey that the public official understands the importance of the situation?
  
  • Should law enforcement have a separate spokesperson from the other local government spokesperson?
  
  • Who decides what will be said?
  
  • What additional resources will be needed if national media become interested?
  
  • How can each audience be reached (social media, websites, faith leaders, for example)?
  
  • How should local leaders stay in touch with each regional or national advocacy group that may become involved?
  
  • What should be done to learn about and control false rumors?

• **Develop events and meetings that allow people to express emotions positively and also help people listen and learn.**

  • A carefully planned event, such as a memorial service or peaceful demonstration, allows people to express their emotions safely. Absent such events, people may choose unproductive ways to vent emotions. “When people become angry, the natural response is to do something aggressive: punch something, kick something, say something mean,” said Brad Bushman, Professor of Communication and Psychology, The Ohio State University. “And after venting, about 75 percent of people say they feel better, which is right – they do. But what they don’t realize is that the good feeling is fleeting and reinforces the destructive behavior.”

  • Town hall events may be productive or destructive for similar reasons. Thus, it may be helpful to seek an intervenor’s help to arrange a productive dialogue that offers those who participate the opportunity to:
    
    • Listen and be listened to so that all speakers can be heard
    
    • Speak and be spoken to in a respectful manner
    
    • Develop or deepen mutual understanding
    
    • Learn about the perspectives of others and reflect on one’s own views.
Thomas Battles, CRS Conciliator and Regional Director, suggests being creative in setting up such events: “Tap nontraditional resources. Get Radio DJ’s, athletes, corner leaders and others to control the crowd and give them a chance to talk the language and give everyone a chance to voice their concerns.”

- To increase public confidence, public officials may decide to become more aggressively open in decision-making and in explanations about decisions.

- Social media offer new challenges in the midst of civil unrest. Thus, public officials may want to establish ways to monitor social media, as well as to communicate through social media and websites.

- Be precise in describing those committing unlawful actions that occur in the context of civil unrest. Painting with too broad a brush the actions of individuals that violate the law (“These protestors are criminals.”) can alienate and embitter law-abiding residents with the same views.

- It may be feasible to develop messages that most leaders and involved parties can subscribe to even if they disagree regarding the desired outcome of the conflict and promote dissemination of these messages. Gwen Whiting of Everyday Democracy, a nonprofit that sometimes helps with community conflict, explains it this way: “There needs to be a unifying voice of all parties. Not necessarily a unity of message (one message will not work for all people) but a unity of voice.”

- Develop an inter-faith task force and other task forces of people trusted by diverse stakeholders within the community. These task force members can be briefed thoroughly and then asked to communicate with their audiences.

- Determine the “flash points” that can raise tensions, and develop communication strategies to deal with them. For example, CRS Director Grande Lum summarized CRS views of predictable points of tension in conflict precipitated by police use of force: “1) initial incident, 2) initial law enforcement response, 3) media coverage, 4) protests, rallies and marches, 5) investigations, 6) results of investigations, 7) youth response, 8) collateral incidents, 9) trial or court decisions, 10) anniversaries.”

- When there are issues involving race, consider how leaders should discuss them. Hilary Shelton, Senior Vice President for Advocacy, NAACP, offers this advice: “People are sometimes afraid to take on the issue of race and racial tension even though we know it exists and must be addressed. For city and town officials, it is key not to hesitate and to deal with these crucial issues from the outset. Our officials must work to understand how to best manage these extremely important conversations. A major issue in bringing solutions to these challenges is preparing in advance for these instances.”
ILLUSTRATION 1

The 2015 murders of a prominent African-American minister and state representative and eight other African-American individuals attending a Bible study group at the historic Emanuel AME Church in Charleston, South Carolina, brought to the consciousness of many that some segments of society continue to harbor racial hatred. Almost immediately, the President, South Carolina Governor, and Charleston Mayor held press conferences in which each expressed grief about the deaths and their understandings that the murders raised broader concerns about racism in society that must be addressed. Congress and South Carolina legislators held prayer vigils. Thus, media coverage included these statements that framed the issue broadly and expressed compassion. Officials expedited investigations and communications. The police chief held a news conference within 30 minutes of arresting the prime suspect. The U.S. Attorney General held a press conference to announce a federal investigation as well.

A memorial service at Emanuel AME Church, addressed by the President and covered by the media, provided a prominent event for expression of emotions. The South Carolina legislature expedited legislation to remove the Confederate flag, taking one clear first step responsive to these broader concerns.

In an interview with PBS, U.S. Representative James Clyburn, an African-American active in civil rights throughout his career, reiterated the larger issue of racism by some that remains to be addressed by the nation, but also reflected that that the sanctuary was racially diverse during the memorial service and expressed his belief that it evidenced a community coalescing, a joint approach that would serve the nation well as it addresses issues of racism in the future.

– https://www.youtube.com/watch?v=33t0g4hBzA8.

ILLUSTRATION 2

Sanford, Florida “hired a public relations firm so that the city could respond to media requests in a timely way.... Sanford [also] needed a means to control rumors. By the time Zimmerman’s trial occurred in 2013, the local clergy had formed an association, Sanford Pastors Connecting, that met regularly, and the Sanford Police Department, CRS, and the County Sheriff’s Office reserved seats in the courtroom that could be rotated among members of that association. The pastors could provide information to members that would be trusted....”

VI. ISSUE DEFINITION

Identify the factors external to the triggering incident that may have contributed to the conflict and then define and frame the issues, right from the beginning, to reflect the way in which residents view the conflict.

Conflict doesn’t occur in a vacuum. The outward expression of conflict is usually a symptom of the overall problem. In order to get at the heart of the issue it is important for leaders to look at the external factors that may have contributed to the overall conflict. Defining the issues this broadly gives some portions of the community confidence that their leaders appreciate the depth of their concerns and also helps leaders explain those concerns to other parts of the community. Conversely, dealing only with the precipitating incident leads to bitterness, a “festering wound,” in the words of Sanford, Florida City Manager Norton Bonaparte and April Young of Equity Partners.

Sometimes the issue may be initially named by a news organization. Who gets to name the problem and how it gets named are critical factors in determining whether and how the problem can be addressed. This framing of issues can determine what kinds of actions may need to be considered to address the issues. Many of the issues that may need to be dealt with will only be addressed by getting stakeholders from all sectors of the community involved.

POSSIBLE STRATEGIES

- **Stay in touch with the communities within the community and the ways that they define the issues.** For example, a police department that is truly reflective of the community that it serves allows the Chief of Police and members of the department an opportunity to keep a pulse on the community and its view on the issues, apart from a specific incident. Former Toledo, Ohio Police Chief Derrick Diggs explains, “You can tell when things are going to happen and when there is unrest in the community.”

- **Call on experts who can help leaders understand the underlying politics, history, and economic aspects of the problems.** Protests may focus on the recent school discipline of a student but a former school board member may be able to explain how discipline had been a flashpoint during earlier school desegregation days and education experts may bring to bear research on the effects of certain school rules on low income families, leading to disproportionate violations of those rules by their children. Thus, local leaders may decide that a broader discussion of school rules and discipline might be warranted.

- **Remember that the issues need not be defined by demands, but rather by the concerns underlying them.** The demand may be for all public school teachers to be armed during the school day; but leaders may frame the issue as how to enhance safety in the classrooms.
Longer-Term Strategies for Addressing the Cause of Conflict

The leader’s role does not end when the immediate conflict subsides. Building solutions involves dealing with the heart of the community division that was illuminated by the triggering incident. Collaborative decision-making helps to establish solutions embraced by the community as a whole, engages those who might feel disenfranchised, and establishes a pattern of working across past divides to solve problems. Leaders need to demonstrate on-going commitment and support to addressing the problems.

I. COLLABORATIVE PROCESSES

Work with intervenors to deepen the collaborative processes established immediately after the conflict began with the aim of developing long-term plans and implementation strategies.

Public officials will make some decisions as the need for change becomes apparent but often need to involve a broader group in plans and actions to bring about deeper change. By collaborating with those who have concerns, leaders can offer a constructive way to express concerns, thus reducing the potential that conflict gets escalated in order to gain attention. They can help establish constructive patterns to deal with future division. They can ensure the continuing involvement of the broader community, not just government, in solving the problems. They can develop consensus on public policies and practices.

ILLUSTRATION

In Tampa, Florida, when concerns about racially-biased enforcement of bicycle ordinances were raised, the police chief checked and found no resident complaints to that effect. But she also noticed that citations went disproportionately to African-American individuals. So she and the mayor requested a U.S. Department of Justice investigation. An open Justice Department community meeting led to an understanding that some African-American youths were afraid to ride bikes because they believed that the police would target them. A veteran who had returned from deployment in the Middle East spoke about being pulled over for lack of a bike light and then suffered a rotator cuff tear as police threw him against the squad car. Civil rights advocates noted that an all-white residents complaint board made them doubt whether complaints through that route would be fairly heard, and that the ACLU and NAACP had received numerous complaints of racial profiling in bike ordinance citations. They learned about the differential impact of some bike ordinance requirements. By seeking more information before denying the validity of the concerns, public officials learned a great deal more about the breadth of them.
POSSIBLE STRATEGIES

- Continue to use the intervenor engaged at the beginning of the conflict. The CRS intervenors may have had to move to other communities by this time and therefore the local intervenors may take on greater roles.

- Provide staff and logistical support on an on-going basis.

- Establish task forces for particular problems.

- Set up bridging groups for consultation over the long-term.

- With more time, expand the group of persons involved in resolving the issues. Consider adding additional experts, depending on the nature of the issues, to provide background on, for example:
  - The economic realities of the community (What is the unemployment rate? Economically, where do residents fit on a continuum between an overall sense of confidence in their future and an environment of desperation?).
  - Community resources (How are public funds allocated among police, education, code enforcement and other local functions? What would it cost to pursue various options being proposed and what would be changed to secure those resources?).
  - Community history (What prior conflicts have arisen and how were they handled? What is the history regarding this particular conflict?).
  - The social realities of the community (What is the high school graduation rate? How is the health care system? Are we meeting the basic needs of our residents?).
  - The political realities (Are the political representatives actually representative of the community they serve? Are residents being heard?).
  - The legal/law enforcement realities (Do people have equal access to justice? Do people respect the justice system?).
  - Data regarding the underlying issues related to the subject matter of the incident.

- Use the collaborative process you established to deal with issues that arise over time. For example, an informal outdoor memorial to a violence victim with stuffed animals and toys may eventually need to be moved. The group might help find a respected place for some of the items, dispose of others, and confirm with those upset the careful consideration given to the decision.

- Establish accountability measures to ensure continuing implementation of solutions reached. Accountability measures might take the form of a review commission created to address a specific grievance, a specific change in a local government policy, or benchmarks with periodic reports back to the community.

- Celebrate accomplishments as they happen to keep participants motivated and engaged. This might take the form of a press conference with representatives of different groups in the
ILLUSTRATION 1

“BRIDGES, an acronym which stands for Building Respect In Diverse Groups to Enhance Sensitivity, is a successful partnership between federal law enforcement agencies and leaders in the Arab American and Middle Eastern communities in the metro-Detroit region. It is the outgrowth of an alliance formed shortly after September 11, 2001, when John Bell, then the special Agent in Charge of FBI-Detroit, and Imad Hamad, Regional Director of the American Arab Anti-Discrimination Committee, gathered together government and community leaders to address backlash against the local Arab American and Middle Eastern communities. From this alliance evolved BRIDGES, which now meets on a regular basis to provide a forum to address issues of mutual concern and to foster better understanding. BRIDGES addresses issues such as border crossings, no-fly lists, charitable giving, cultural sensitivity, hate crimes, law enforcement policies and procedures, and immigration. The Detroit BRIDGES model has been touted by at least one academic who studied it as the ‘gold standard’ for law enforcement partnerships with the Arab, Muslim and Sikh Communities. The success of BRIDGES has inspired other districts to form their own chapters.”


ILLUSTRATION 2

CRS had to withdraw its strong resources from Sanford, Florida over time and Andrew “Thomas helped facilitate conversations about changes in Sanford. The community would remain divided until residents believed that the police would act justly toward all residents. A community-wide resident group conducted a review of the police department. In response to that group’s report, the department began making changes, reporting progress publicly every few months. For the first time in memory, residents participated in a significant way in the choice of a new police chief. Regular discussions began about other changes in Sanford.”


ILLUSTRATION 3

“After using dialogue to address poverty and build prosperity, residents of the rural town of Wagner, S.D., realized that there was something holding them back from making real progress: they needed to address the long history of racial inequity and tensions between the white people living in

• Plan ahead for future unrest while people still appreciate the costs of not doing so. The Divided Community Project has another document to help with that planning, Planning in Advance of Civil Unrest (2016).
the town and the American Indians living nearby. The racial tensions run deep, spanning many generations. In 2008, they began the first of many ongoing rounds of dialogues to address divisive issues in a peaceful manner. Eliminating racism and unpacking historical trauma won’t happen overnight, and Wagner residents are committed to achieving their vision a unified community. Subtle changes can be seen throughout the town: Some American Indians have invited white people to attend traditional events and ceremonies. A movie theater owned by a white person displays a ‘Thank you’ sign in both English and the local native language. And, more American Indians are moving into town. Study circles have been implemented in the school system as well. As a result, teachers are more intentional about creating inclusive curriculums. Native symbols and ceremonies are now being incorporated into school functions. More American Indians are attending school events typically viewed as ‘white,’ such as prom. Efforts are being made to build relationships beyond the study circles through book clubs, film screenings, and informal gatherings of study circles alumni. Wagner residents can point to many larger successes including:

- The establishment of a small business incubator. Half of the board members are American Indian, and half are white.
- The redefinition of the Secretary of Indian Affairs [was initially housed in the department of tourism but was redefined] to a liaison between the state government and the American Indian community.
- A significant increase in graduation rates of American Indians, which is now 30%. Before the program, very few American Indians graduated high school.”


II. PUBLIC INTERACTION

Maintain interaction with the public throughout this extended collaborative process to assure that it is addressing the issues that the community is grappling with.

Community leaders, working with the intervenor, should develop a communications strategy for the period in which the collaborative process is underway. Such a strategy should have the components of the communications strategy during the de-escalation phase but also might include broader education of the community.

POSSIBLE STRATEGIES

- **Set up the process so that the intervenor can conduct some conversations in private but, at the same time, ensure that there also are communications about progress with the public and some sessions open to the public.**

- **Engage the broader community in educational efforts that will aid implementation of the plan.** The Missouri Bar Association project described below illustrates that approach.

- **Monitor media, including social media, and correct inaccurate rumors.**
ILLUSTRATION

Following a police shooting in Ferguson, Missouri, the Missouri Bar Association developed a public education program about the legal issues implicated by the incident. Missouri Bar President Reuben Shelton explained, “We have a website with podcasts to help educate the public on the process surrounding the issue. . . . We have a mini law school for community members who come out once a month and pay for the class to learn about the legal issues of the day. . . . We have a civic role to make sure the community is educated about the law, about how it works, and to dispel some myths about the law and the legal profession. . . . Our major concern is to make sure that the rule of law is maintained from beginning to end.”

“In Toledo, Ohio former Mayor Mike Bell hired three or four young adults from the community as paid interns and administrative assistants in his administration. In addition to their administrative and intern assignments these young adults kept the Mayor informed on the issues and concerns of the youth and young adults in the communities. They were able to talk to the Mayor about what was going on in their respective communities and he in turn could send them out into the community to assist him in addressing these issues and concerns.”

– Derrick Diggs, Former Police Chief, Toledo, Ohio

“Black Lives Matter Block Friday” by The All-Nite Images is licensed under CC BY-SA 2.0.

“Eric Garner Protest 4th December 2014, Manhattan, NYC” by The All-Nite Images is licensed under CC BY-SA 2.0.
REACHING THE JUSTICE DEPARTMENT’S COMMUNITY RELATIONS SERVICE

The first recommended step in this document is to contact CRS. This may be done easily with a call to the regional office, as explained on CRS’s website:

The Community Relations Service has 10 Regional Directors who supervise conflict resolution specialists (also called conciliation specialists) in regional offices and 4 smaller field offices. These offices are strategically located throughout the country to meet the unique needs of the states and communities they serve. The Regional Directors are highly trained professional mediators, facilitators, trainers, and consultants who are experienced in bringing together communities in conflict to help them enhance their ability to independently prevent and resolve existing and future concerns. Regional Directors oversee the regional conflict resolution teams in the development of customized and proactive local solutions. The 10 regional offices are located in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, Los Angeles, and Seattle. The field offices are located in Miami, Detroit, Houston, and San Francisco. The regional and field offices increase the availability of CRS services to rural communities and aid in rapid deployment during crises. http://www.justice.gov/crs/about-crs.

The 50-year-old CRS describes its functions as follows:

The Community Relations Service is the Department’s “Peacemaker” for community conflicts and tensions arising from differences of race, color, national origin, gender, gender identity, sexual orientation, religion and disability. CRS is not an investigatory or prosecutorial agency, and it does not have any law enforcement authority.

Rather, the Agency works with all parties, including State and local units of government, private and public organizations, civil rights groups, and local community leaders, to uncover the underlying interests of all of those involved in the conflict and facilitates the development of viable, mutual understandings and solutions to the community’s challenges. In addition, CRS assists communities in developing local mechanisms and community capacity to prevent tension and violent hate crimes from occurring in the future. All CRS services are provided free of charge to the communities and are confidential. CRS works in all 50 states and the U.S. territories, and in communities large and small, rural, urban and suburban. http://www.justice.gov/crs.

PUBLISHED RESOURCES


Department of Justice, Community Oriented Policing Services. Strengthening the Relationship between Law Enforcement and Communities of Color (2014).
Divided Community Project, Planning in Advance of Civil Unrest (The Ohio State University Moritz College of Law 2016).


Nancy H. Rogers, When Conflicts Polarize Communities: Designing Localized Offices that Intervene Collaboratively, 30 Ohio State Journal on Dispute Resolution 173 (2015).


WEB RESOURCES


NAACP White Paper, Year One: Towards Safe Communities, Good Schools, and a Fair Chance for All Americans (2010).


WIDENING THE CIRCLE OF OUR CONCERN

PUBLIC PERCEPTIONS OF THE SCHOOL DISTRICT OF PHILADELPHIA’S RESPONSE TO INTERGROUP CONFLICTS

A report from the Philadelphia Commission on Human Relations
Established in 1951 under the City Charter, the Philadelphia Commission on Human Relations is the quasi-judicial agency empowered to enforce Philadelphia’s civil rights laws and to deal with all matters of intergroup conflicts within the City.

Through its Compliance Division, the Commission investigates claims of unlawful discrimination in employment, housing, public accommodations, and the delivery of City services, on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, or source of income. The Commissioners decide disputed claims through adjudicatory public hearings.

Through its Community Relations Division, the Commission mediates to ease intergroup and community tensions and conducts public hearings for informational and educational purposes. The recommendations outlined in this report fall within the authority and jurisdiction of the Commission’s Community Relations Division.

**DEFINITION: INTERGROUP CONFLICTS**

Intergroup conflicts are any disagreement between two or more individuals or groups that differ in terms of characteristics such as race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, or source of income, where such disagreements result in wrongful discrimination, disharmony, unlawful harassment, confrontational clashes, or even violence. The conflict may arise in the context of economic competition, struggles over political and social dominance, or disputes over ideas, beliefs, or points of view.

Intergroup conflicts may be the result of the kind of biased judgment that is appropriately labeled racism, ethnocentrism, homophobia, sexism, xenophobia, or religious intolerance, but it need not necessarily rise to that level to cause serious discord and disruption in a school community. Intergroup conflicts tend to generate hostility and unfounded negative assessments of the members of other groups. Intergroup conflicts may stand in the way of fair and respectful treatment of the members of other groups.
In January 2010, after the violent incidents at South Philadelphia High School against Asian immigrant students, the Philadelphia Commission on Human Relations (PCHR) began a yearlong series of 11 public hearings as part of our unique mandate to address intergroup conflicts and claims of discrimination based on race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, or source of income. The goal was to hear first-hand from parents, teachers, students, principals, and other community members about their experiences with intergroup conflicts in Philadelphia public schools. The Commission’s understanding of intergroup conflicts covers a broad range of unfair, disrespectful, and aggressive behavior that can cause emotional and physical harm and negatively impact students’ ability to learn. One hundred thirty witnesses came forward to share their thoughts, and the Commission also received an additional 40 statements in writing. We took on this task because teaching students to embrace diversity is not only a social and economic imperative, it is a moral obligation.

The hearings brought to the surface the deep convictions of those who came to testify. The Commission learned that intergroup conflicts are a system-wide problem in the School District of Philadelphia that require a system-wide solution. Conflicts, both verbal and physical, recur in many schools. Testimony revealed that, too often, the District is not doing enough to prevent and resolve such conflicts and that inadequate language access—a legal right—is exacerbating the situation. We heard evidence that the zero-tolerance policy of automatic out-of-school suspensions that the District relies on does not mitigate intergroup tensions. Whenever discipline is imposed, the District must ensure that such discipline is both constructive and commensurate with the conduct and not solely punitive. We learned that effective and positive strategies like peer mediation, positive behavioral support, and restorative justice are not adequately utilized or implemented.

Yet students also spoke of positive, dynamic efforts that they engage in, with the assistance of supportive adults, to peacefully resolve conflict. We heard about schools where educators and staff actively attempt to build bridges and model respectful behavior. We saw models of community-based programs that allow young people from different backgrounds to relate to each other through shared interests.

Despite these positive efforts, the widespread presence of unresolved intergroup conflicts remains. But it is the Commission’s fervent hope that this report, and the recommendations it contains, will act as a catalyst to encourage the District to make resolving, tracking, and preventing intergroup conflicts a high priority. It is essential that the District act to build a climate of respect and tolerance across the City’s schools to widen the circle of our concern to include all of the diverse young people of Philadelphia.

FINDINGS

**FINDING 1** Intergroup conflicts are a widespread problem in Philadelphia public schools that interfere with student learning.

**FINDING 2** District policies fail to provide a clear and consistent framework for preventing and resolving intergroup conflicts, and these policies are neither uniformly implemented, nor clearly communicated.

**FINDING 3** The District has relied on a zero-tolerance discipline policy, but this policy alienates students and has an adverse effect on school climate. The District has not fully capitalized on more constructive means, which include positive behavior support, peer mediation, and restorative justice approaches.
FINDING 4 Existing policies and resources related to language access are not widely publicized and are inadequate to meet the needs of all the students and families that are legally entitled to language access services.

FINDING 5 Students are agents for change in reducing intergroup conflicts and promoting intergroup harmony.

FINDING 6 Educators and community groups build bridges among different groups of youth and create supportive school environments.

FINDING 7 Witnesses provided compelling examples of approaches to preventing intergroup conflicts in Philadelphia’s schools.

FINDING 8 Witnesses provided important recommendations for resolving conflicts and addressing bias-based harassment.

RECOMMENDATIONS FOR RESOLVING, TRACKING, AND PREVENTING CONFLICTS

The Philadelphia Commission on Human Relations believes implementing the following recommendations will better equip the School District of Philadelphia to resolve, track, and prevent intergroup conflicts.

RESOLVE THE CONFLICTS

RECOMMENDATION 1 Recognize intergroup conflicts are a system-wide problem that requires a system-wide solution.

RECOMMENDATION 2 Re-evaluate, update, and enforce relevant District policies.

RECOMMENDATION 3 Require all principals in the District to enforce these new policies with programming to create communities of respect within their schools.

RECOMMENDATION 4 Effectively evaluate and respond to reported incidents.

TRACK THE CONFLICTS

RECOMMENDATION 5 Create a clear path for all students, teachers, parents, and administrators to report incidents of intergroup conflicts.

RECOMMENDATION 6 Use the existing District survey to collect information on intergroup relations.

PREVENT FUTURE CONFLICTS

RECOMMENDATION 7 Ensure each student, parent, teacher, and administrator knows about all relevant policies, programs, and reporting procedures.

RECOMMENDATION 8 Give principals, teachers, and administrators the tools to ensure these policies are consistently and effectively implemented.

RECOMMENDATION 9 Communicate effectively in all languages heard in our schools.
INTRODUCTION

On December 3, 2009, 26 Asian immigrant students were assaulted by other, predominantly African-American, students at South Philadelphia High School. Many of those attacked suffered injuries serious enough to require hospitalization. A boycott of the school by Asian immigrant students at South Philadelphia High School, in protest of the failure of the adults at the school and the District to protect them, followed.

The Philadelphia Commission on Human Relations arranged a face-to-face meeting between the Asian immigrant students and the administration of the School District of Philadelphia as part of an effort to end the boycott and resolve the students’ grievances. Thereafter, other government agencies, ad hoc committees, and special investigators took on the responsibility of thoroughly investigating what happened that day at South Philadelphia High, and the events, attitudes, actions and missed opportunities that led up to it.

As the City agency charged with adjudicating and mediating intergroup conflicts, the Philadelphia Commission on Human Relations concluded that it was our duty to assess how effectively the School District is dealing with the broad range of intergroup conflicts existing within our schools on a system-wide basis. A comprehensive inquiry was also called for because of our unique mandate under the Philadelphia Fair Practices Ordinance to address claims of discrimination based on race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, or source of income.

It is important that District leadership recognize the breadth of the problem and take concrete steps to resolve, track, and prevent intergroup conflicts because our schools are responsible for providing Philadelphia’s young people with an education that will equip them to thrive and prosper in a multicultural, globalized world. Ensuring that our schools maintain a climate conducive to students learning together and from each other is absolutely central to this undertaking, especially given the diversity within Philadelphia’s schools.

As one student organizer passionately put it at one of our hearings, “We see violence as unjust actions that hurt our chances of survival and having a good life.” Our young people must acquire the tools to effectively negotiate intergroup differences and challenges over a lifetime. As one high school principal testified, “We...have to remember what our primary focus is in educating the students, but also teaching them the cultural values they need in order to work collaboratively with each other, and support each other so that we are...developing citizens that will contribute positively to society.”

Teaching students to deal with and accept diversity is not only an economic and social imperative, it is our moral obligation. Philadelphia Mayor Michael Nutter sees our ethical responsibilities through a local lens: “[i]n this city that we refer to as the City of Brotherly Love and Sisterly Affection...[w]e all want to be safe. We all want our children to be educated. We all want the ability to live up to our God-given potential. And...[f]or those who refuse to accept [diversity], it’s a part of our job to help to better explain that...[and] to enforce the law...Diversity is part of our strength, but if we are to celebrate our diversity we...
must better understand who we are, where we came from...[t] is in that diversity that we find our strength and find our voice and that you’ll find the courage to take on these many challenges.”

If the leaders of our great City fail to denounce intergroup violence and intolerance in our schools, it would signal that they not only are failing to grasp the multicultural future awaiting the next generation, but also are misreading this country’s past. Our collective history of slavery, discrimination, and outright bigotry was and remains the context that makes an organization like the Philadelphia Commission on Human Relations necessary. It also underscores the Commission’s concern for both the young victims and the young perpetrators of intergroup discord and strife in our schools today.

In January 2010, the Philadelphia Commission on Human Relations began a yearlong series of public hearings at which parents, teachers, students, principals, and other community members spoke about their first-hand experiences with intergroup violence in the schools. The 11 hearings were held in sites across the City, mostly in recreation centers. One hundred thirty witnesses came forward. The Commission also received an additional 40 written submissions.

Many who testified asserted that the School District of Philadelphia is not doing enough to resolve problems associated with intergroup conflicts and violence. We heard from witnesses who believe that the District has been unresponsive to their complaints. Too frequently, this belief seemed to lead some to conclude that the District bears a general prejudice against, or lack of concern for, their particular group. Such sentiment was shared by African American witnesses as well, even though African Americans presently represent the majority of the District’s students and both the Superintendent of Schools and the Chairperson of the School Reform Commission are African-American.

We take these criticisms and suspicions to be reflections of how deep the divisions are among the various groups with a stake in the operation of the school system. We are mindful that it is the fervent hope of all parents that their children will be able to attend school in an atmosphere that is harmonious and conducive to learning.

To achieve schools that are characterized by intergroup harmony and coexistence, we must first engage in frank and informed dialogue with Philadelphians about the subject of intergroup conflicts. At times, this dialogue may be difficult, but it must be undertaken.

In this report, we detail what we heard and learned from witnesses around the City. Whenever possible, we present direct quotes so you can hear from them in their own words. We also provide our recommendations for what the School District and the City of Philadelphia must do to resolve, track, and prevent intergroup conflicts in the schools.

We hope that this report will promote conversations on intergroup relations in the schools throughout the City as we begin to build a community in which all of us, regardless of our group membership, seek to continually widen the circle of our concern to include all the young people of Philadelphia’s vibrant, richly diverse population.

“Diversity is part of our strength, but if we are to celebrate our diversity we must better understand who we are, where we came from...[t] is in that diversity that we find our strength and find our voice and that you’ll find the courage to take on these many challenges.”

—Mayor Michael A. Nutter
FINDINGS

FINDING 1

Intergroup conflicts are a widespread problem in Philadelphia public schools that interfere with student learning.

Witnesses brought to the attention of the Commission a host of incidents involving intergroup conflicts between students who belong to myriad groups and attend different schools. The conflicts took various forms ranging from petty discourtesy and isolated acts of verbal aggression to physical and emotional harassment, bullying, and physical assaults. Here is a sampling of the testimony we heard organized in terms of the protected categories into which the victims fall (though in some cases distinguishing between victims and aggressors was not easy).

Conflicts affecting students who are members of groups characterized by race, color, and national origin:

“Last year there was a Chinese immigrant student who was walking home after school. It was right in front of the building, and other students started just pelting rocks at her head. And she was on the ground and they just kept pelting rocks at her, and she had, you know, cuts and stitches all on her forehead.” —Community-Based Organization Representative

“An Iraqi refugee, 18 years old, was assaulted and knocked unconscious by a group of youth outside of Northeast High School.” —Community-Based Organization Representative

“[T]wo years ago, these eighth graders...were coming to school, and what they were met with was racial epithets on the walls of the school, and they called them niggers, and they said, ‘We’re going to kill you.’” —Community-Based Organization Representative

“We very rarely have issues that come out blatantly having to do with racial relations and, in the last couple of weeks, an incident that occurred in the lunchroom between a couple of teenagers, that was about a girl and a candy bar, that was all it was, but it dissolved or evolved into an issue between our Dominican students and our African-American students, and it happened to be Dominican [versus] Puerto Rican students and the African-American students...[I]t started between two teenagers, a boy and a girl and a candy bar, and everyone else’s friends, and evolved into something that it never should have been...[W]e called [the PCHR Community Relations Division] in because we felt it was getting out of hand and wanted to be proactive.” —High School Principal

Conflicts affecting immigrant students:

“It’s to the point where the kids that have the more difficult names to pronounce, they’re changing their names.” —Community-Based Organization Representative

“It’s to the point where the kids that have the more difficult names to pronounce, they’re changing their names.” —Community-Based Organization Representative

“it’s to the point where the kids that have the more difficult names to pronounce, they’re changing their names.” —Community-Based Organization Representative
“When I started school, I was very excited to go to school. I didn’t speak much English, but I get some help in my classroom. A few months later, I got beat up in the lunchroom from behind. So one time I got beat up. The authority show up and the police show up, took the report and call my parent and send me home, and then the next day when I was home I learned that my brother also beat up at school. I need more help, and then there was help. So the main office send me some help in assisting me after school. So when I was sent back to school, I got more support, and that’s helped me do better in school.” —High School Student

Conflicts affecting students who are disabled:

“In our school, we have had a few children who have autism. And one of the concerns that I have heard from a child is people teasing him because he mimics things or he has to have things done over and over again and the children get frustrated or that he’s speaks differently, and they make fun of him…They get teased because they’re different just like other children. But I really feel for them…I really is tough for a child who has no special needs to deal with harassment, but a child who has special needs, it makes it a little harder for them.”
—Middle School Teacher and Parent of District Student with Autism

Conflicts involving sex:

“I had a gym class at the end of the period, and everybody, like, tells us to change out of our uniforms. We went upstairs, and it’s like a door, you walk through the door, there’s a boys locker room and you walk through another door, and there’s no lock on it, so they can come in. As we was up there changing, all the boys ran in there, touching on the girls, feeling on them and stuff. And then, like, as the weeks went on, this stuff happened frequently.” —Ninth Grader

“But from my experience, I feel that the girls sometimes are afraid to come up and speak about what happens to them. But like, from somebody that I know that she’s telling me that she gets her headscarf pulled off of her head, but she doesn’t bring it to the principal or anybody else. I don’t know if she’s, it’s from shame or I don’t know why. But like I said, the boys tend not to care or they’re not shy, but the girls appear to be more shy, and they keep it to themselves even though they do face problems, but they keep it to themselves.” —Community-Based Organization Representative

Conflicts involving sexual orientation and gender identity:

“I can say I experienced violence from both sides, from the students as well as the staff. I went through finding myself—the last year of high school was the most difficult, with basically the kids calling, you know, ‘faggot’ or ‘homo,’ or whatever the name may be. The staff confronted me with several different situations such as I was not allowed to express myself the way I am dressed today. I was told to be dressed as ‘Miguel’ at all times I wasn’t even allowed to be dressed as ‘Mia’ and changed before the students got there. I was even faced with the decision at graduation, either to wear a dress to graduate or be valedictorian. Of course, I chose being valedictorian because I worked hard, and I knew it would look good on college applications. But with my situation and others, I’m just a little upset that it took this long for this situation and this hearing to come up because even before now, this has been happening and I don’t see why it took so long to be recognized.” —Transgender College Student from Philadelphia
Many of these incidents are the product of the recent rapid diversification of the school-age population of Philadelphia through immigration and the greater inclusion of students from previously denigrated and subordinated groups. Several witnesses, however, pointed to the school system’s longstanding history of intolerance and racism, particularly toward African Americans, as also contributing to the context for today’s intergroup conflicts.

“And I came down today because this issue with school violence in this particular forum you’re having today, it seems to have been prompted as a direct result of the violence that was perpetrated against the Asian community. Well, I attended school in Philadelphia...and when I went to that school about 15, 20 years ago, there was all types of violence that was going on, and no one ever considered having a discussion like this. So my purpose of coming today is to speak for the voiceless, to speak for the people that’s been living in this community and nobody cared about. Now, I’m not saying that the Asian community should be victimized, but what about the people that are constant victims outside of the violence, the resourcefulness that has been diminished in that community, which has perpetuated into violence. The Asians and the African Americans, the Europeans that all go to school together are all products of a deeper-rooted problem.” —Community Organizer

Our witnesses made it clear to us through their testimony that the discriminatory and abusive treatment that results from intergroup conflicts can be traumatic for students who are targeted and victimized. However, several witnesses explained how incidents of intergroup conflicts also negatively affect students who are not directly involved.

“Racial bias and harassment are really message crimes. They go out to an entire community. So though there may only be one victim, the racial slurs and other language that gets attached to the kind of assault that happened send a message to the broader community about who is valued or who is at risk within that community.” —Community Activist

“If kids feel threatened, if they feel like they’re not safe, if they feel like they’re not respected, then it impacts their learning. They become depressed; they become anxious; they become socially withdrawn. You look at school failure and then dropouts.” —Professor of Education and Director of a Clinic on the Prevention of School Age Violence

Unfortunately, there is no reliable quantitative data on the dimensions of intergroup conflicts in the Philadelphia public schools. Although our assessment is based on qualitative evidence, the vivid testimonials we heard throughout the 11 hearings demonstrated to us that intergroup conflicts are a system-wide problem that is impeding the education of Philadelphia’s children.

FINDING 2

District policies fail to provide a clear and consistent framework for preventing and resolving intergroup conflicts, and these policies are neither uniformly implemented, nor clearly communicated.

A common complaint raised at most hearings was that District officials, as well as school administrators, teachers, and other staff, ignored underlying intergroup tensions, did not seriously consider bias as the root cause of specific outbreaks of violence, and failed to respond appropriately. As one community advocate shared with us, “The September 2010 violence at Bok High School in which two Asian youths were sent to the emergency room after being assaulted by at least 10 fellow students...is a sobering reminder of how far we need to go in...
the District. Initially, again, in that situation, the District was quick to rule out racial bias and instead declared the incident was hazing, even though no other students at the school had been allegedly hazed.”

The District has a number of policies and programs in place that are designed to end intergroup conflicts, notably Policy 102, which relates to multi-racial, multicultural and gender education, and newly-adopted Policies 248 and 249, which address harassment and bullying. However, there seems to be a disconnect between these policies and what happens in the schools on a daily basis. (These policies can be found on the District’s website at http://www.phila.k12.pa.us/offices/administration/policies/.)

Inconsistent implementation of these policies and poor communication regarding them have confused parents, teachers, and students about what events involving intergroup conflicts can and must be reported to the District, how those events can be reported, and how schools should respond.

As a community advocate told us, “Many parents have talked about how some things are considered harassment, other things are not. So we need a better harassment policy. There’s no indication on the harassment policy whether a student or an individual can even say whether they’ve been a victim of a bias crime, and I think that’s a very important thing to add to the school district’s bias and harassment policy.”

Reporting structures in particular seemed unclear. Witnesses spoke of incidents that were never reported because victims did not understand their rights or did not know the procedures for reporting. One community advocate told us, “It’s just about calling it what it is, and then addressing the problem. Someone was speaking about how the students are afraid to report or they don’t feel empowered enough to report. It’s a huge issue, right, because if it’s not on record, and essentially in certain people’s heads, it’s not happening. So I’ve been doing my best to encourage students to report.”

In addition to advocating for the need for revisions to the policies to enable the District to effectively resolve incidents based on intergroup conflicts, witnesses also asserted that there are problems with the policies’ implementation. As a high school teacher told us, “Policy 102—the policy on multicultural, multiracial gender education—is a very progressive, very comprehensive policy that we have on our side here in Philadelphia. The policy is wonderful. The implementation is missing...When I first expressed interest in my school in leading a GSA [Gay/Straight Alliance], they went, ‘Oh, you can be the Policy 102 guy so that we are meeting our responsibilities and fulfilling Policy 102.’ And so I am trying to do that as I can, but it’s not a systematic thing.”

A high school teacher talked about the impact the lack of implementation and clarity about reporting violations has had on students: “We noticed that they [LGBTQ (lesbian, gay, bisexual, transgender, and questioning) students] had a huge number of suspensions and discipline issues. And if you could really take a look at it, it’s because they’re defending themselves. They’re being bullied and they retaliate physically. And there’s no support system that they can go to and complain about these issues.”

“It’s just about calling it what it is, and then addressing the problem...[Some] students are afraid to report or they don’t feel empowered enough to report. It’s a huge issue...because if it’s not on the record...it’s not happening.”
—Community-Based Organizer
Witnesses described wide variation among different schools’ disciplinary approaches, their implementation of district curricula related to multicultural education, and their efforts to eliminate intergroup conflicts. They asserted that some of that variation could be attributed to changes in District organization (the dismantling of offices that had authority over policy implementation), staff turnover, and the lack of well-publicized policy and procedures.

One education advocate reminded us, “Several years ago, the central administration of the School District included an Office of Integration and Intergroup Relations. Its mission was to provide materials about how to promote ethnic harmony within the classroom and within the school. I don’t recall when or why the office was disbanded, but I do know that several years ago, the current Office of Health and Physical Education was asked to develop lesson plans and teachers’ guides for every grade to address these issues. It is not clear whether these materials are currently in use.”

Because teachers and staff lack training regarding intergroup conflicts, they sometimes exacerbate intergroup tensions. Although witnesses praised the schools where they saw adults helping young people prevent and resolve intergroup conflicts, the Commission heard stories of schools in which the adults in charge did not understand what constitutes unacceptable group-based verbal or physical aggression, or they felt powerless or unaware of how they should respond to students’ destructive behavior.

One elementary school student, a recent immigrant, wrote in a statement read by a community activist, “One boy, he say that my mom is dumb and crazy and said that bad word, but I told the teacher. And he said, ‘Ignore it.’ and I say, ‘Sure.’” Another older student, a freshman, testified, “The counselors, they said, all we can do is tell you to stay away from that certain student or get transferred or something. I shouldn’t have to get transferred not to get beat up by some kids at school.” A representative from a community-based organization shared a similar perspective: “The teachers are not sensitive to bullying when kids are being teased. The teacher may say, ‘Oh go find another African kid to play with.’

Staff sometimes exhibit insensitivity and bias themselves, as one teacher told us, “Last year there was a couple [of] faculty members and I who brought up the issue of homophobia in our school...From my own experience, I think it’s a huge problem in our school, not just among students, but also my biggest issue is homophobia is used as a way of correcting behavior. Like, if two boys are fighting, the administrator might say, ‘What would people think if you’re touching another boy like that?’”

The same teacher who had conducted a survey about LGBTQ issues in her school told us, “I would like training, personally. I would like training for myself on how to bring up issues in class. Being a math teacher, it’s kind of hard to interrupt a class and, you know, just kind of talk with students. ‘Okay, why were you using the “F” word? Why is that hateful, why is that inappropriate now?’ I mean I do stop and I do have conversations, but I don’t think that my own thoughts are necessarily the most appropriate way to address those kind of things.”

“[LGBTQ students] had a huge number of suspensions... It’s because they’re defending themselves. They’re being bullied and they retaliate physically.” —High School Teacher
One education activist spoke to the heart of the matter regarding the role of adults in creating a school community that insists that everyone respect and value difference: “Urging students to engage with kids from different backgrounds than their own is unlikely to have much credibility when the kids do not see the faculty, staff, and administrators crossing ethnic boundaries themselves. Every school needs a principal who knows how to build community among adults of varied backgrounds, and who interacts with students, their parents and community leaders.”

Throughout the hearings, parents, students and community activists were clear: they want District officials and school staff to provide strong, consistent, moral leadership and to engage with students, parents, and community members in addressing the intolerance and ignorance that lie at the heart of intergroup discord and violent behavior.

**FINDING 3**

The District has relied on a zero-tolerance discipline policy, but this policy alienates students and has an adverse effect on school climate. The District has not fully capitalized on more constructive means, which include positive behavior support, peer mediation, and restorative justice approaches.

The Commission heard from multiple witnesses with considerable concern about the District’s zero-tolerance policy, which imposes automatic out-of-school suspension for perpetrators of intergroup conflicts in schools. Many witnesses felt that this policy’s heavy-handed approach made it more difficult for students to succeed in school. Using punishment as a first response contributes to the school environment we seek to change and zero tolerance is a serious impediment to fostering an atmosphere of intergroup harmony.

One student organizer told us, “Zero tolerance is a policy that overreacts to most disciplinary situations that could be handled differently. What I mean by this is students’ educations are at stake because the administration is focused more on keeping kids in line than their education. During the ’07-’08 school year 4,361 were taken into police custody and 3,573 students were arrested.”

Another student organizer pointed out this policy’s negative effects on the school environment: “When you walk into our school, the first thing you see are bars on the window... That reminds us how many of our schools are like police states...[Y]ou have to go through metal detectors and you are checked like a prisoner. Sometimes we even get body searched...It is hard for us to learn when we are treated more like prisoners than students... We have more security guards than we have counselors.”

The zero-tolerance disciplinary actions also appear to do little to address the roots of problematic behavior. As one community organizer told us, “Students have complicated issues. It’s not right to get rid of a student because we don’t want to flesh out what’s going on with them. We’ve worked with the Education Law Center to help get students back into schools because we feel as though that zero tolerance is denying students their right to an education.”

“Urging students to engage with kids from different backgrounds than their own is unlikely to have much credibility when the kids do not see the faculty, staff and administrators crossing ethnic boundaries themselves.”

—Education Activist
Some witnesses asserted that the zero-tolerance policy worked at cross-purposes with stated District goals to eliminate harassment and build a climate of intergroup harmony, and exacerbated the very problem they were attempting to address. An education advocate stressed that, “The District should acknowledge the ineffectiveness of zero tolerance and commit itself to sending a single consistent message of helping difficult students rather than alienating them. The climate of alienation contributes to greater disruption and violence in general, and greater ethnic hostility in particular.”

Several community advocates spoke to the limitation of the District’s current actions and the need to look for alternative approaches. As one nonprofit representative said, “Philadelphia suspends a lot of students. In 2008/2009, 46,350. We took a very close look at that...A lot of those students were suspended for things that are not right, and we need to begin to think about other ways of handling those incidents. There were 15,000...for disruption, and this was disruption that did not include an act of violence or destruction of school property. 3,800 were for offensive language. I agree, offensive language is not a good thing and needs to be dealt with. I don’t believe that you hand students out-of-school suspensions for things like that. We need to invest in something different. 1,150 suspensions of the 46,000 for were for dress code violations...I don’t believe we can suspend our way out of the situation [and the District needs to] invest in other ways of looking at things.”

**FINDING 4**

**Existing policies and resources related to language access are not widely publicized and are inadequate to meet the needs of all the students and families that are legally entitled to language access services.**

Many witnesses shared concerns that linguistic barriers in schools adversely affected students from a variety of racial and ethnic groups, including the lack of adequate resources to address their language needs, as well as the lack of support that would enable them to access existing resources consistently.

When students are unable to communicate their needs, they become more vulnerable to mistreatment and have limited means to report and describe incidents of intergroup conflicts clearly and effectively to authorities. Without robust language access policies, programs, and practices, students are less able to participate fully in the life of schools and less able to interact with students from other groups. This kind of interaction is crucial to building the understanding and trust fundamental to a positive school climate. Improved language access will also enhance student and family trust of school and District efforts to reduce and mediate group-based behavior.

The Commission heard how student and parent communication with teachers, school staff, and administration is hampered when interpretation, translation services, and bilingual materials are unavailable. One education advocate told us, “One of the biggest problems that they’re encountering is parent meetings where there’s no one that speaks the parent’s language. Forms that are in English, but not in the language of the parent.” Another education advocate echoed this with her own observation: “One of the things that we’ve noticed at [many] schools is a complete lack of knowledge about how to address language minority communities [and] how to access existing District resources.”

“Students have complicated issues. It’s not right to get rid of a student because we don’t want to flesh out what’s going on with them.” —Community Organizer
For many, language support across the District has been uneven. An education activist and attorney explained, “The basic, most consistent theme has been a sort of non-uniformity across the system. The problem has always been, okay, some schools do it well, some schools don’t do it well...How do you create a structure that will make sure that all schools do it well?”

The District is significantly challenged by the breadth of languages represented by students in Philadelphia public schools. Witnesses reported a lack of translation and interpretation services for a variety of languages. Testimony indicated that it is difficult for many smaller or newer immigrant groups to obtain translation/interpretation services.

As explained by a District representative, this perception is in fact true. The District has full translation services in eight major languages (Albanian, Arabic, Chinese, French, Khmer, Russian, Spanish, and Vietnamese), and only partial services that include the use of language identification cards in school offices for other languages.

An executive director of a community organization described how this can impact intergroup conflicts, “If you speak another language outside of the eight...you’re not going to get important documents sent home...Bullying has always been an issue for our community...Superintendent Ackerman, she recently gave out her school district bullying policy, their safety policy, and it was only interpreted in the eight languages, so our community didn’t really benefit from it.”

The challenge is two-fold: there is inadequate knowledge among parents, students, and school staff about what services are available (and therefore these services are underutilized), and there is a real lack of services for non-dominant language groups. Despite legal requirements for the District to provide meaningful language access to all students and families, progress has been sporadic. Resources on how to access interpretation, telephone services, and translated forms are often difficult to obtain.

As the director of a public education advocacy organization told us, “It would be extremely unusual for a Bulgarian-speaking family to find their way to 440 North Broad to explain that no one had been able to communicate with them at their school.”

The Commission, however, did hear that there has been meaningful improvement in the last year; for example, first-line contact staff in schools have been trained in how to use the language cards and the central office charged with language services are interacting with more people in the community.

Witnesses who worked with new immigrants pointed out how the public school system and its language services play a vital role in their arrival to the region. One director of a community-based organization told us, “Although our agency provides intensive case management and orientation, our work with new refugees is limited by our resources. We depend on mainstream institutions, such as the School District, to partner with us and help us in the integration process. Historically, public schools have been instrumental in integrating immigrants and refugees in the region.”

The same director also spoke about the serious institutional barriers interfering with the early and positive integration of new refugee youth: the lack of frequent, effective communication between the Welcome Centers where new students are assessed and the schools and classrooms to which they are assigned, which make alignment between educational need and instruction...
difficult; difficulty in transferring a student to a more appropriate program based on teacher recommendations without intense advocacy; and, a paucity of District efforts to encourage “positive interaction of American students with new refugee students,” including buddy systems, small group interactions, and sports.

FINDING 5
Students are agents for change in reducing intergroup conflicts and promoting intergroup harmony.

The Commission was especially moved and inspired by the young people who spoke at our hearings. We heard from students from many different groups, from schools across the City, who are involved with a variety of issues and activities.

All the students who stood up to speak were brave in confronting and dealing with incidents of conflict and bias in their schools. Many also took risks by organizing campaigns to address school conflicts that adults in their schools had previously tried to ignore. In some cases, they were able to make their voices heard despite having little experience in organizing.

One of the leaders of the South Philadelphia High School boycott gave his own account of what happened: “I was from Vietnam, and I’ve been in the United States for about two years...And throughout those two years I experienced a lot of violence, especially racial discrimination. In 2008, in October, there was a big fight against the Asian students. At first, we didn’t know anything about organizing, so we just stayed home for one day after the fighting. And then everything was forgotten. Last year, 2009, in December, the same thing happened again. This time, it was even bigger. And this time, thanks to the support of the community people, we organized a boycott.”

Several witnesses who are now college students spoke of how their experiences with homophobia in high schools elsewhere prepared them for their role as advisors to LGBTQ students in Philadelphia schools. Others shared stories of how they were able to impact intergroup conflicts because of their roles as peer mediators, students who work directly with other students to resolve difficulties.

A former high school football lineman, who now plays for an NCAA Division I university, told us about how he helped another student at his school: “[A] couple of days ago [a peer mediation school staff member said] ‘I need you to follow this little girl. She’s going to lunch but she’s being picked on by boys that are bigger than her...When she came in the hallway I actually scared her a little bit, so I had to back up and just tell her ‘I’m here, I’m helping you. I want to get to the bottom of what’s been going on every day.’ So...[I] followed her to lunch. I stayed a couple steps behind and told her to pay me no mind. And actually, one of the boys that was picking on her came to talk to her and he was saying sorry because he...already was peer mediated before that by two other peer mediators, and they had already talked to him. So he went to her alone the next day and said sorry...and that it won’t happen again. So, ever since then, she hasn’t really been picked on... And we told her...’We don’t want you to come to school and feel as though you have to hide or walk a
certain way because you don’t want to walk into somebody. So we just try to make it a safe environment for everyone.”

A member of a Youth United for Change chapter in Philadelphia told us about working with other students and adults to change the District’s zero-tolerance policy. She said, “We have begun collecting surveys. We are going to schools all over the city to talk to students and simply ask them their personal thoughts of how they are being treated and whether they need to talk with someone after being suspended at school... All ages are affected by zero tolerance and it’s not fair. It is up to us to end the act of mistreating students.”

Members of the Philadelphia Student Union described their new “Campaign for Nonviolent Schools” and told us about a student-led training for security guards at a troubled high school. As one shared with us, “I was a part of the training, and I believe the school security got where we was coming from, and we saw how they had it rough as well. From then on, everything went a little more smoothly, and they talked to students in a more respectful way. It helped and it opened up lots of communication.”

These hearings showed us that young people have a clear understanding of the systemic problem of intergroup conflicts in Philadelphia as well as the ability to develop creative solutions, and are committed to working closely with adults to make their vision of peace in every school into a reality.

FINDING 6

Educators and community groups build bridges among different groups of youth and create supportive school environments.

The Commission heard from educators about their efforts to build bridges in their schools. This includes a principal who conducted a “listening tour” as “the first thing” he did when he was appointed the principal of a multiracial school, “really reaching out to different community organizations, doing a lot of homework and trying to identify what are the key issues that need to be addressed.”

Another high school teacher spoke about his personal efforts: “I gave a presentation last year about respect for LGBT people in which I came out myself to the students in the presentation and really encouraged everybody to take a more active role in making sure that our schools are safe places for people of all sexual orientations or gender identities. Whether it’s due to my efforts or it’s just a new crop of students... I think I’ve seen a great improvement in, as far as a reduction, in the amount of homophobic language that I see in my classes.”

Witnesses told us about programs outside of the schools that bring young people together through music and other activities. One spoke about the efforts of South East Asians Mutual Assistance Associations Coalition (SEAMAAC): “SEAMAAC was featured in the Philadelphia Weekly for a program that we run at Andrew Jackson School and it’s a hip-hop, after-school program where we do a full array of deejaying, breakdancing, graffiti art, emceeing during the summer... [B]lack students, African immigrant students, Asian students, Latino students are playing, are having great relationships with one another, are breaking together, are deejaying together.”

“We told her... ‘We don’t want you to come to school and feel as though you have to hide or walk a certain way because you don’t want to walk into somebody. So we just try to make it a safe environment for everyone.”

—High School Peer Mediator
Several, however, also pointed out the inadequacy of funding for such programs as both private and public funding streams have diminished over the past five years.

The testimony from members of community groups confirmed that the dispute-resolution and social skills that students might learn in school can be used to better their own lives and improve the communities in which they live. Those skills become informal community resources. This was amply illustrated by the statement of a District parent and community outreach coordinator, “My son...got into verbal confrontations with a couple of the kids. It happened to be one of our neighbors...When the school called us in and started talking about what the situation was, I talked to one of the fathers, and we starting to get the fathers together and saying, ‘Hey, you know what? We’re in the neighborhood. This is a neighborhood school. We should be able to handle this. These are our kids. We know who they are.’ And from that we sat down with our boys and really started talking about it to them...You will probably find less violence in those schools in the ones that really do reach out to the parents and allow them to kind of mediate some of their own issues...[L]earning how to mediate and learning how to role play where there are difficulties that is also part of the [education] process as well.”

Another witness spoke of the need to build connections with the community before trouble begins: “We need access to the wealth of resources provided by community organizations from the beginning, not only after there’s been an issue that a school needs help in cleaning up.”

FINDING 7

Witnesses provided compelling examples of approaches to preventing intergroup conflicts in Philadelphia’s schools.

The Commission heard several examples of approaches that are currently being used to prevent conflict. Intergroup conflicts are a multifaceted problem, and the range of tools and supports that can be adopted is wide. All, however, have the same desired outcome: to teach students to embrace diversity, eschew intolerance, and rely on alternatives to violence for resolving disputes.

A rich variety of activities and services for youth. We heard about a number of schools that have been able to provide an expanded menu of relevant services to students, often by engaging local community-based organizations. These services include counseling and psychological resources, drug prevention and anti-bullying education, and out-of-school-time programming for students.

More importantly, we heard about the potential impact these kinds of programs could have on students. One young student said, “I just would like to give advice to principals and teachers that’s here today...[A]ny kid can fool you how they look outside, but inside you don’t really know how they’re feeling. It could be hurt...It could be some mental problems that people, it reflects on them. If you pull that kid up, and put them in positive energy that he’s all around all day, they’re going to pull that in. And you’re not going to see the negative stuff around them...That’s the last thing you’re going to see from another person, is the violence. So if you get to that kid before they create that violence, you’re going to get the best out of him.”
Orientation programs. Witnesses discussed efforts to introduce incoming ninth graders to their new school through orientation programs. These begin to build bonds among the students to help them feel more comfortable in a new, often intimidating, environment. One principal described a program in which students who are English Language Learners are paired with two other students—one whose first language is English, and another who speaks the student’s native language. The principal touted the benefit students derive from immediately being connected to other students within the school.

Social skills. One witness, a professor of education, stated that teaching young people social skills can have a big impact on many areas of their lives: “My own research shows that if we teach social skills in school, it can deal with issues of aggression, violence and bullying, and more importantly, it also aids in school achievement...It would only require a few minutes a day, a few times per week to teach our children respect, pride, empathy, and togetherness. This would also lead to better social adjustment, pro-social behavior, healthier peer relations, regardless of gender, race, ethnicity, and sexuality.”

Behavioral-change programs. Witnesses also brought up behavior-change programs, including Positive Behavior Supports (PBS), that promote healthy relationships among students and teachers alike. As one advocate described it, “Instead of expecting that students know what we mean when we say, ‘respect each other’ or even ‘be on time,’ PBS practice means that the good behaviors are taught, not assumed, and then repeatedly, repeatedly reinforced. After establishing a few school-wide expectations, the entire school takes on teaching them. What does it mean to be respectful in my classroom? What does it mean in the hallway, the lunchroom, the auditorium?”

Training and professional development to help educators understand and address bias. Several individuals spoke about the need for increasing the number of professionals in the schools specifically trained to help students with stressors in their lives. School principals also spoke of the benefits of having adults from outside agencies working to meet the psychosocial needs of students.

Schools have also recognized the questions confronting teachers, staff, and administrators when they encounter bias-based behaviors: How can they be more alert to those behaviors in the school? What should a teacher do if he or she observes an incident of bullying? What assistance can school personnel call upon to deal with intergroup conflicts?

The Commission heard from many witnesses who reported significant benefits for teachers and staff at schools that have focused specifically on intergroup conflicts in professional development sessions. Some of the most successful training and professional development in this regard have been delivered by or in conjunction with community-based organizations with expertise and knowledge of community concerns and cultures.

FINDING 8

Witnesses provided important recommendations for resolving conflicts and addressing bias-based harassment.

Witnesses described many activities and programs that help students resolve conflicts when
they do arise. It is important for young people to learn the skills that help them to work through problems without resorting to an escalation of aggression or increase the intensity of conflict. In addition, when conflicts do erupt into more serious acts of hostility or destruction, it is important for schools to have an array of methods at their disposal for restoring the social fabric within their communities.

Peer mediation. According to the written statement of one witness, “Peer Mediators are students who are specially chosen and trained students who help other students find solutions to their conflicts.” This strategy was endorsed by many speakers who recounted their own observations or experiences with successful implementation of peer mediation programs as a means for resolving conflict.

Witnesses spoke about the short and long-term benefits of peer mediation in building positive school cultures, reducing tensions, and preventing escalation of conflict into violence. Peer mediation also teaches students leadership and communication skills that they can use in their families, communities, and careers.

Referring to the District’s Imagine 2014 strategic plan, a peer mediator trainer told us, “What do we need going forward? We really need all entities of our community to continue to encourage the school district to maintain peer mediation far beyond 2014. If we want our children to be successful in the 21st century, they need to know how to be problem solvers. They need to know how to communicate, and they need to know how to resist the temptations that exist out there. The three-day peer mediation training they receive allows them to acquire those skills. These are skills that will work in the school, in the home. They will work in any aspect of life that we want them to be successful with.”

Reporting and investigating bullying and harassment. It became clear to the Commission during the hearings that accurate reporting and follow-up investigations of incidents of bullying and harassment are vital if students are to feel supported.

Following the eruptions of violence in December 2009 at South Philadelphia High School, the school leadership has worked to establish a number of detailed procedures to ensure violent incidents are not ignored.

Beginning in the 2010-2011 school year, the school has publicized its own, understandable explanations of what bullying and harassment are, and given explicit information about how students and staff should respond to incidents that they see or experience.

The comments of the principal of South Philadelphia High about what he is doing provide an example of what other schools might do to address bullying and harassment: “I have a single point of contact for students, and we’ve made it very clear to them that if you see something [that shouldn’t be happening], do something, or report it...[M]ake sure that it is reported. And making it clear from every single person from the custodial staff up to my office, if you witness something, that must be reported, and that we make sure that we conduct a thorough investigation and we determine if there is an issue of harassment or bullying.”

“If we want our children to be successful in the 21st century, they need to know how to be problem solvers. They need to know how to communicate.”

—Peer Mediator Trainer
He also has taken care to address language access issues. “We make sure that we contact parents. We’ve had many key people in my building trained in using language hotlines, so that way, when we have to communicate with parents, that the language issues don’t get in the way.”

**Restorative justice approach to school discipline and conflicts.** Multiple witnesses testified about the importance of using a restorative justice approach that enables two conflicting parties to work together to solve their problems. They spoke about the positive impact of restorative practices for creating dialogue between those who engage in aggressive behavior and their victims, and to help the aggressor understand the impact of his or her actions, not just against the individual, but also against the community.

Restorative practices work with those who violate the school’s norms of coexistence to develop new skills for dealing with similar situations, and also give the victim an opportunity to provide input into the aggressor’s accountability.

A high school student and youth organizer told us how the practice is being used in schools: “Recently, I was introduced to something called restorative justice. Restorative justice is an alternative to being suspended, being expelled, and getting kicked out of class. For example, if students get kicked out or are getting ready to have a fight, the two parties will sit down and each one will have a chance to talk about their side of the situation. This gives the students the opportunity to address the issues between them and figure out a way to solve their problems.”

The director of an organization that partners with schools on conflict resolution described the theory behind restorative justice: “[R]estorative justice is a philosophy of justice that focuses on the human impact of an offense. Its primary focus is to identify how individuals and groups have been harmed, what their needs are, and provide a forum to address those needs. Restorative justice is grounded in principles that recognize harm as an act committed against actual individuals and groups...Punishment alone is not an effective deterrent to crime. There is a necessity that the offending person is supported and provided the competencies to become [a better person] than they were prior to the offense.”
Widening the Circle of Our Concern

Public Perceptions of the School District of Philadelphia’s Response to Intergroup Conflicts

RECOMMENDATIONS

RESOLVE THE CONFLICTS

RECOMMENDATION 1

Recognize intergroup conflicts are a system-wide problem that requires a system-wide solution.

The hearings convened by the Commission uncovered a painful truth: intergroup conflicts in Philadelphia schools are not isolated incidents but can happen in any school at any grade level; intergroup conflicts are a system-wide problem. They exist not only across racial and ethnic differences but also involve conflicts based on sex, sexual orientation, disability status, gender identity, and national origin.

This problem creates serious obstacles to student learning, parent participation, and the professional aspirations of teachers and administrators, and requires the District’s immediate attention.

The District already has in place various policies and programs, particularly its Imagine 2014 strategic plan. In the guiding principles of Imagine 2014, the District implicitly addresses the problem of intergroup conflicts by its attention to areas that are likely to be the source of tension between and among the District’s key constituencies.

Beyond setting policy, however, the District must act proactively and speak passionately about the District’s mission and leadership role in assuring a safe, caring, and positive learning environment for all students when responding to incidents of intergroup conflicts.

It is no longer acceptable to enact selective policies and programs at individual schools. The problem of intergroup conflicts requires a system-wide response that conveys consistent and clear expectations and involves community members, students, and teachers. The District must take concerted and swift action to resolve the conflicts, track the conflicts, and prevent future conflicts.

We focus our recommendations to the District on the areas of resolving, tracking, and preventing intergroup conflicts, with a particular emphasis on language interpretation and translation, to align with the Commission’s mandate to promote peace and harmony among different groups, educate Philadelphians about intergroup conflicts, and to enforce the City’s anti-discrimination laws.

RECOMMENDATION 2

Re-evaluate, update, and enforce relevant District policies.

For the District to proactively address intergroup conflicts, it must have uniform, system-wide policies and procedures that are communicated effectively and implemented consistently. This requires the District to provide language interpretation and translation services at every stage.

Some significant District policies already exist. The District acknowledged the importance of promoting intergroup relationships when it adopted its policy on “Multiracial-Multicultural-

1 Imagine 2014 identifies the following four Guiding Principles: (1) Increasing achievement and closing the opportunity and achievement gap for all students; (2) Ensuring the equitable allocation for all District resources; (3) Holding all adults accountable for student outcomes; (4) Satisfying parents, students, and the community.
Gender Education,” known as Policy 102, in 1994, and Policy 248 on “Unlawful Harassment” more recently on September 10, 2010. It is not enough, however, to have such stand-alone policies.

2.1 The tenets of District Policies 102 and 248 should be embedded into all District policies, procedures, and programs relating to school climate, school discipline, and bullying.

2.2 Policy No. 248 should be amended to provide: (1) an appeal procedure for parties to request a formal change to any official decision; (2) an additional complaint procedure in the event that the school or the District fails to investigate a complaint of harassment or fails to document the outcome of the investigation; (3) an explicit description of the interpretation and translation services available and recognition of language access as a legal mandate.

2.3 Multicultural education, including racial and ethnic studies and dialogue around intergroup conflicts, should be incorporated into District-wide curricula.

2.4 Policies should be implemented for constructive discipline that is commensurate to the conduct and helps offenders to understand and repair the impact of their conduct. Specifically, the District should consider abandoning the zero-tolerance disciplinary policy and, at the same time, amplify efforts to institute programs that include positive behavior support, peer mediation, and restorative justice.

2.5 In the aftermath of incidents of intergroup conflicts, the District and school personnel should maintain open lines of communication, listen attentively to students (both victims and offenders) and their parents, promote dialogue, and impose a discipline program that is corrective rather than solely punitive.

2.6 Identify the individual at the District who is to act as the coordinator to strengthen intergroup harmony and coordinate all activities relevant to this report.

RECOMMENDATION 3

Require all principals in the District to enforce these new policies with programming to create communities of respect within their schools.

The District should explicitly task all principals to create a community of respect within their schools, and then track their success in this area.

3.1 Each school in the District should adopt an anti-discrimination and anti-harassment policy consistent with Policy No. 248, as the Department of Justice negotiated at South Philadelphia High School.

3.2 Each school in the District should adopt a procedure for reporting discrimination and harassment, similar to actions taken at South Philadelphia High School.

3.3 Peer mediation programs should be mandated in all high schools and middle schools. Mediation with supervision, adult mediation with trained school staff, and mediation through the Commission should also be made available in all schools.

3.4 All schools should implement restorative justice practices in the aftermath of conflicts.

3.5 All high schools and middle schools should be required to create student committees to address intergroup relationships and conflicts.

2 Policy 248 prohibits harassment on the basis of the following protected classes: gender, age, race, color, sexual orientation (known or perceived), gender identity expression (known or perceived), national origin, religion, disability, socioeconomic status and political beliefs.
3.6 All schools should be encouraged to partner with their neighborhood-based organizations to address intergroup conflicts and language access challenges.

RECOMMENDATION 4

Effectively evaluate and respond to reported incidents.

When credible reports of intergroup conflicts are received, District and school personnel must be proactive and seek to promote open lines of communication, listen attentively to students (both victims and offenders) and their parents, promote dialogue, and impose a discipline program that is corrective rather than solely punitive.

4.1 Incidents of intergroup conflicts should trigger a whole-school dialogue to address what happened, give students a voice and a forum to talk about their experiences and to address stereotypes, and to persuade offenders to take responsibility and make amends.

4.2 Restorative justice practices should, where appropriate, include structured group dialogues, such as victim impact panels, victim-offender conferencing, and community group conferencing.

4.3 Discipline imposed upon offenders should be constructive and commensurate with the conduct.

4.4 The District should provide counseling and other social services for victims, offenders and witnesses to address trauma inside the school.

TRACK THE CONFLICTS

RECOMMENDATION 5

Create a clear path for all students, teachers, parents, and administrators to report incidents of intergroup conflicts.

For the District to effectively resolve and prevent intergroup conflicts, it must first be made aware of them. Students and parents should be encouraged—and faculty and staff required—to report all incidents of suspected intergroup conflicts.

The District needs to establish and publicize a simple reporting procedure so students and parents know where to go when conflicts occur, and what to do if students and parents are not able to access language services that are mandated by law. These procedures should exist in each and every school in the District.

5.1 Each school in the District should be required to maintain a written record of every complaint of discrimination or harassment, as negotiated by the Department of Justice at South Philadelphia High School.

5.2 For all incident reports relating to school climate, school discipline, and bullying, schools must track whether the alleged conduct was based on gender, age, race, color, sexual orientation, gender identity, national origin, religion, disability, socioeconomic status, or political beliefs.

5.3 All written records of all incident reports should be maintained and relevant data and statistics regularly tracked. This type of tracking is vital so the District can monitor its progress going forward.
5.4 The School District Compliance Officer should be made responsible for ensuring that all schools are properly reporting these incidents and maintaining their records, and for annually publishing relevant statistical data.

RECOMMENDATION 6

Use the existing District survey to collect information on intergroup relations.

The Commission understands that the District already has in place an annual survey where they collect information from certain students and personnel in the District. The District should utilize the existing survey to collect information relevant to intergroup relationships by including questions that ask:

6.1 Survey participants to self-identify as to their gender, age, race, color, sexual orientation, gender identity, national origin, religion, disability, socioeconomic status, and political beliefs;
6.2 What languages are spoken at home;
6.3 About the adequacy of language access resources and whether interpretation and translation services are sufficiently publicized;
6.4 Whether the survey participants have been denied access to language interpretation or translation; and
6.5 About any experiences with intergroup conflicts or harassment.

PREVENT FUTURE CONFLICTS

RECOMMENDATION 7

Ensure each student, parent, teacher, and administrator knows about all relevant policies, programs, and reporting procedures.

The Commission cannot emphasize enough that the District must improve its communication with students, parents, and community organizations, as well as its own administration, faculty and staff. It is vital for all concerned not only to understand their rights, but also to know how to access the resources to which they are entitled. Finally, students, parents, and the community need to know where to go when they feel they have been targeted on the basis of a protected class or if they feel they have been denied language access services that are mandated by law.

The District should undertake a system-wide awareness campaign around issues related to intergroup conflicts and the resolution of such conflicts, that includes but is not limited to:

7.1 Using all available vehicles (superintendent messages, union newsletter, press releases, reports about school safety and school improvement) to provide information about anti-discrimination and anti-harassment policies, complaint procedures, and related resources;
7.2 Posting links about conflict prevention and resolution programs, resources, and policies on District’s website on all relevant pages;
7.3 Placing posters and postings about policies in front offices and cafeterias, on school entrances, and other common areas;
7.4 Offering orientation programs that include intergroup conflicts resolution skill building to all incoming freshmen; and
7.5 Offering orientation programs that include intergroup conflicts resolution skill building and language access information to all newly arriving immigrant students.

RECOMMENDATION 8

Give principals, teachers, and administrators the tools to ensure these policies are consistently and effectively implemented.

To address the issue of intergroup conflicts in proactive, consistent, and ongoing ways, teachers, administrators, and staff require specialized training and proper administrative tools and support. All school personnel need training in order to recognize, prevent, and counteract harassment and intergroup conflicts.

8.1 The District should mandate professional development and provide resources for addressing intergroup conflicts resolution for all relevant staff including regional superintendents, principals, teachers, counselors, non-teaching assistants, and safety officers.

8.2 The District should deliver a module about intergroup conflicts, bias, and harassment at the annual convocation for principals.

8.3 All professional development related to school climate, school discipline, and bullying provided to school personnel should incorporate training on intergroup conflicts.

RECOMMENDATION 9

Communicate effectively in all languages heard in our schools.

A key finding in our report is that language access is a significant barrier to reporting for many groups. The District must take steps to ensure that the system-wide awareness campaign we recommend incorporates the interpretation and translation services all individuals are legally entitled to receive.

9.1 The District should mandate professional development and training on language access for principals and staff in schools with significant percentages or growth percentages of immigrant students. Such training must emphasize that the District is mandated by law to provide language interpretation and translation services.

9.2 The District should conduct an inventory of language access services available, including a study of the utilization of and barriers to language access services.

9.3 The District should create a simple complaint procedure, to be adopted by each school in the District, for parents and students to use if they do not receive adequate interpretation and translation services.

9.4 All available vehicles (superintendent messages, union newsletters, press releases, reports about school safety and school improvement) should be utilized to provide information about language interpretation and translation services, how to access these services, and the procedures available to students and parents if the District fails to provide these services.

9.5 Links about language access, resources, and policies should be posted on the District’s website on all relevant pages.

9.6 Posters and postings about language access policies should be placed in front offices of all schools and cafeterias, on school entrances, and other common areas.
THE ROLE OF THE PHILADELPHIA COMMISSION ON HUMAN RELATIONS

The Philadelphia Commission on Human Relations is available to students and their parents to assist if complaints of harassment and intergroup conflicts are not investigated, or if they are denied access to language interpretation or translation.

The Commission is also available to the District and schools to conduct conferencing and informal mediations and we stand ready to meet with the District on a quarterly basis to assess its progress in implementing the recommendations set forth in this report.

Finally, all Philadelphians should know of their right to file a formal complaint with the Commission if they feel they have been discriminated against on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, ancestry, age, disability, marital status, or source of income in the context of their employment, public accommodations, or housing.

ACKNOWLEDGEMENTS

We would like to thank the William Penn Foundation, the Connelly Foundation, the Philadelphia Foundation, and the Samuel S. Fels Fund for supporting the Philadelphia Commission on Human Relations with our series of public hearings on intergroup conflicts in the School District of Philadelphia, and with the creation of this report. We would also like to thank the PCHR staff, particularly Naarah’ Crawley, Jack Fingerman, and the Community Relations Division staff, for their hard work and dedication throughout this process.

CONTACT

For conflict resolution and mediation services, or to file a discrimination complaint, call the Philadelphia Commission on Human Relations at 215-686-4670, email FAQPCHR@phila.gov, or go to www.phila.gov/humanrelations.

An ADA alternate format and different language versions of the report are available at: www.wideningthecircle.org.
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Divided Communities Project

The Ohio State University
Moritz College of Law
Purpose

- Provide guidance to communities to deal with civil unrest when it occurs.
- Assess and strengthen a community’s capacity to deal with civil unrest.
Two Products

- **Document 1**: Key Considerations for Community Leaders Facing Civil Unrest: Effective Problem-Solving Strategies That Have Been Used in Other Communities

- **Document 2**: Planning in Advance of Civil Unrest
Document 1: Key Considerations for Community Leaders Facing Civil Unrest

- Six immediate strategies
- Two longer-term strategies
- Case illustrations
- Resources
Immediate Strategies

- Bring in intervenors
- Identify and engage stakeholders
- Work to develop or enhance trust
- Agree on protocols between law enforcement and other local officials
- Develop communication strategies
- Define and frame additional contributing issues
Longer-Term Strategies

- Deepen the *collaborative process*
- Maintain *interaction with the public*
Document 2: Planning in Advance of Civil Unrest

- Promote a planning process
- Determine the community’s ability to handle conflict
- Determine who should participate
- Develop an early warning system
Planning in Advance of Civil Unrest, Cont.

- Provide **forums** where emerging problems can be worked out
- Enhance **productive problem solving patterns** or establish new ones
- Agree on a concrete plan for **communication** and outreach during first hours and days
- Maintain an **implement plan**
How Documents Might Be Used

- Reading material for city staff and community leaders
- Community Assessment Tool
- Training tool for city staff
- Adapt to suit your community’s needs
Current Website:
http://go.osu.edu/dividedcommunityproject