

HOW ADR CAN COMBAT THE RISE IN ANTISEMITISM AND ISLAMOPHOBIA ON COLLEGE CAMPUSES

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Since the October 7, 2023, massacre in Israel by the terrorist organization Hamas, there has been ongoing strife and protests throughout the world. Such turmoil notably coincides with a rise in hate crimes, antisemitism, and islamophobia, noticed not only on the streets of the United States, thousands of miles away from Israel, but also in the microcosm of college campuses.

Although freedom of speech is protected under the U.S. Constitution, schools must also ensure students feel safe on campuses. The Department of Education sent a letter “reminding” schools of their “federal legal obligations to ensure nondiscriminatory environments” and that their federal financial assistance could be in jeopardy if schools do not take “immediate action to stop antisemitism and islamophobia.”¹ However, the letter failed to specify how to combat these harmful tensions.² Schools can try to pre-empt future violence, discrimination, and hate by integrating accessible alternative dispute resolution (“ADR”) practices to create learning opportunities and limit the destructiveness of conflicts on campuses.³

¹ Collin Binkley, *Biden Administration says Colleges Must Fight ‘Alarming Rise’ in Antisemitism and Islamophobia*, ASSOCIATED PRESS, (Nov. 7, 2023, 6:03 PM), <https://apnews.com/article/antisemitism-islamophobia-colleges-biden-israel-hamas-57e32457f9113a168cc21d16fa008a79> [<https://perma.cc/DN94-9PPV>]; Tovia Smith, *Colleges Face Pressure to Curb Antisemitism and Islamophobia*, NPR (Nov. 11, 2023, 5:00 AM), <https://www.npr.org/2023/11/11/1211234951/colleges-face-pressure-to-curb-antisemitism-and-islamophobia> [<https://perma.cc/NY5J-RCYZ>].

² *U.S. Department of Education Reminds Schools of Their Obligation to Address Discrimination, Including Harassment*, U.S. DEP’T EDUC. (Nov. 7, 2023), <https://www.ed.gov/news/press-releases/us-department-education-reminds-schools-their-legal-obligation-address-discrimination-including-harassment> [<https://perma.cc/8ZN9-Q7MX>].

³ Sabra Anckner, *Summary of “Mediation in the Campus Community: Designing and Managing Effective Programs,”* BEYOND INTRACTABILITY, <https://www.beyondintractability.org/bksum/warters-mediation> [<https://perma.cc/45PD-MH8G>] (last visited Feb. 4, 2024).

Colleges can implement campus mediation programs to resolve students' conflicts in a confidential alternative forum to the judicial system.⁴ Such services can build a safe campus community by “manag[ing] conflicts at their lowest and most effective levels, deal[ing] with underlying issues, improv[ing] a campus conflict climate, and preserv[ing] relationships.”⁵ Mediation promotes students' responsibility and decision-making ability, facilitating mutual respect and cooperation, by employing fairness principles instead of adversarial.⁶ The Department of Education recognizes mediation for “tackling” antisemitism and islamophobia. Their “conflict mediation” webinar aims to provide mediation strategies to “prevent and respond to hate-based threats, bullying, and harassment” to keep students safe.⁷

There is no “one way” to establish mediation programs. However, some already established programs can be a model. For instance, NYU's student-led Conflict Resolution Center resolves disputes with the help of “trained, neutral, third party, student mediators.”⁸ Peer mediation has been used for bullying intervention in public schools and can be effective in colleges to alleviate conflicts.⁹ Also, programs “driven by learning and educational outcomes” can use counselors and advisors as the first step to work with the parties.¹⁰ Next, equip “external

⁴ Sharon Kendrick-Johnson, *Incorporating a Campus Mediation Program*, *MEDIATE* (Nov. 1, 2021), <https://mediate.com/incorporating-a-campus-mediation-program/> [<https://perma.cc/YGK9-WGC6>].

⁵ Neil Katz, *Mediation and Dispute Resolution Services in Higher Education*, in *THE HANDBOOK OF MEDIATION* 176, 181 (Alexia Georgakopoulos ed., Routledge 2017).

⁶ Kathryn L. Girard et al., *Peaceful Persuasion—A Guide to Creating Mediation Dispute Resolution Programs on College Campuses*, U.S. DEP'T JUST. OFF. JUST. PROGRAMS (1985), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/peaceful-persuasion-guide-creating-mediation-dispute-resolution> [<https://perma.cc/U8P3-NBHG>].

⁷ *FACT SHEET: The U.S. Department of Education Announces New Tools to Tackle Antisemitism, Islamophobia, and Related Forms of Discrimination and Bias*, U.S. DEP'T EDUC. (Nov. 14, 2023), <https://www.ed.gov/news/press-releases/fact-sheet-us-department-education-announces-new-tools-tackle-antisemitism-islamophobia-and-related-forms-discrimination-and-bias> [<https://perma.cc/6CNA-8QCH>].

⁸ *Student Conflict Resolution Center*, N.Y.U., <https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/office-of-the-provost/office-of-studentaffairs/dean-of-students/dos-support/Student-Conflict-Resolution-Center.html> [<https://perma.cc/PBB5-JYPN>] (last visited Feb. 4, 2024).

⁹ Stacey Dettwiller & John W. Salmon, *Sticks and Stones: How School-Based Peer Mediation Can Reduce Bullying in Public Schools*, 12 *AM. J. MEDIATION* 72, 94 (2019).

¹⁰ Hon. Jane Cutler Greenspan & Peter F. Lake, *Mediation is Making an Impact on College Campuses*, *THE CHRONICLE*,

professionally trained mediators” who comprehend nuances of campuses and policies.¹¹ They cultivate trust on all sides by “the very fact that they aren’t a member of administration.”¹²

Colleges should consider incorporating training for professors and students in ADR. This may include a mandatory ADR awareness training program for professors to learn and use ADR to solve campus problems, like averting antisemitism and islamophobia in the classroom.¹³ Universities can further ADR training by providing skill-building lessons to form practical skills that may de-escalate tensions and build a more positive campus culture.¹⁴

For students, a required skills-based course in conflict resolution can assist students in their interpersonal conflicts, especially in college, where students may interact with individuals of diverse backgrounds.¹⁵ Courses can include “case studies, lectures, interactive simulations, and carefully tailored exercises,” where students learn to “effectively mediate a wide variety of conflicts” and even receive certification.¹⁶ Techniques can be “tailored to provide the highest quality mediation training to students and peers acting as student mediators.”¹⁷

Colleges that provide students access to ADR opportunities will benefit not only the individual student but also the entire campus community by having resources that will help combat the alarming rise of antisemitism and islamophobia.

<https://www.jamsadr.com/files/uploads/documents/articles/greenspanlake-thechronicleofhighereducation-mediation-is-making-an-impact-on-college-campuses-2019-09.pdf> [<https://perma.cc/GUP6-W5AM>] (last visited Feb. 4, 2024).

¹¹ *Id.*

¹² *Id.*

¹³ *ADR Training, ADR*, <https://adr.gov/guidance/adrguide-home/4training/#awaretrain> [<https://perma.cc/G4ZF-BSZR>] (last visited Feb. 4, 2024).

¹⁴ *Faculty and Administration Dispute Resolution*, JAMS, <https://www.jamsadr.com/highereducation?tab=overview> [<https://perma.cc/LZ64-QNQF>] (last visited Feb. 4, 2024).

¹⁵ Kendrick-Johnson, *supra* note 4.

¹⁶ *Id.*

¹⁷ *Id.*