

Mediation as an Alternative Dispute Resolution to resolve interpersonal conflicts in Hong Kong universities

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Abstract

Purpose – This paper aims to provide insight into mediation as an Alternative Dispute Resolution (ADR) to resolve interpersonal conflicts for undergraduate students in Hong Kong.

Design/methodology/approach – Mixed methods research approach was utilised to examine university students' understanding of dispute resolution at their respective universities in Hong Kong, and factors that may influence their decision to utilize ADR on campus.

Findings – The tendency for university students in Hong Kong to voice criticisms was low due to: (1) unawareness of proper grievance channels; and (2) fear of potential academic retribution from the institution. This may be the result of inadequate promotion and transparency in the existing higher education dispute resolution framework. Academic staff acknowledged the limitation of the existing closed-door dispute resolution system and the need for an alternative conflict management system which emphasises on restoration of harmony in the university community.

Originality/value – As there is a lack of study focusing on ADR practices in Hong Kong universities, this paper provides insight into the feasibility of integrating ADR into the existing dispute resolution processes in resolving interpersonal conflicts at universities in Hong Kong.

Keywords Higher education, Conflict management, Dispute resolution, Mediation, ADR, Interpersonal dispute, Hong Kong

Paper type Research paper

Introduction

As the nature and structure of a university promote freedom of expression and the coexistence of opposing views, academia may at times become a hotbed of discontent. Though university disputes are not commonly publicized, tension among students or between students and academic staff may not be uncommon. Given that interpersonal conflicts are considered inevitable due to incompatibility of interest among different stakeholders in higher education institutions (Isabu, 2017), most universities have established channels aimed to resolve interpersonal conflicts within their institution. One such approach is the establishment of office of the ombudsperson, which provides an independent, impartial body for students, scholars, and administrative personnel to address interpersonal disputes (The University of British Columbia, 2020).



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Even though university ombudspersons are independent and impartial individuals, their powers are limited by the Laws of the University (LoU) and their interventions are often confined to recommendations rather than resolutions. As such, many higher education institutions have increasingly promoted mediation as an Alternative Dispute Resolution (ADR) mechanism to complement the existing ombudsperson system.

Research on ADR at universities in Hong Kong

While universities in Hong Kong are of no exception to interpersonal conflicts, preliminary research seems to indicate that ombudsperson services are not available. Despite the fact that student affairs offices of respective universities are responsible for handling interpersonal disputes involving students and staff, procedural names tend to comprise of terminology not easily recognized by those unfamiliar to dispute resolution processes. Table 1 illustrates the names of complaint procedure and its handling channels at various universities in Hong Kong.

Considering that administrators in higher education tend to perceive conflicts as problematic (Watson *et al.*, 2017), the use of inexplicit procedural names exemplifies such perception. When accessibility to dispute resolution and filing procedures are challenging and tedious, such hindrance in the dispute resolution process would further escalate emotions between disputants. Consequently, this may aggravate student-academic staff relationships and complicate matters.

The common dispute resolution procedure implemented at universities in Hong Kong follows a similar structure. When a student encountered an interpersonal dispute and wished to file a complaint, it would be handled by the corresponding academic staff. While universities encourage students to discuss the matter directly with the individual concerned, complaints may be forwarded to the next level of management. Most universities' dispute resolution protocol also dictates that the person handling the complaint should make every reasonable attempt to resolve the complaint through informal resolution channel and escalation to formal procedures should be avoided unless all informal remedial actions has been exhausted (The Chinese University of Hong Kong, 2021). Similar strategies are also implemented in dispute resolution procedural guidelines of other universities in Hong Kong.

Name of Universities	Procedural Names	Handling Channels
The University of Hong Kong (HKU)	Resolution of the Grievances of Students	Centre of Development and Resources for Students (CEDARS)
The Chinese University of Hong Kong (CU)	Procedures for Dealing with Students Complaints	Office of Student Affairs
The Hong Kong University of Science and Technology (HKUST)	Arbitration and Grievances	Dean of Students' Office
The Polytechnic University of Hong Kong (PolyU)	Grievances Committee	Student Affairs Office
City University of Hong Kong (CityU)	Student Complaints Procedure	Office of the Vice-President (Student Affairs)
Baptist University of Hong Kong (HKBU)	Student Grievances Procedure	Office of Student Affairs
The Education University of Hong Kong (EduHK)	Procedure for Resolving Student Grievances	Student Affairs Office
Lingnan University (LU)	Procedure in the Handling of Discrimination Cases	Equal Opportunities Committee

Table 1.
Complaint Procedural
Names and Handling
Channels at
Universities in
Hong Kong

Should complaints fail to be resolved informally at the departmental level, students may lodge their complaint through formal procedures. This includes the submission of a formal written complaint explaining the dispute to the Program Director or Faculty Dean. Once a formal complaint has been filed, the dispute resolution will go through rigorous procedures and may be raised to the attention of Vice-Chancellor depending on the gravity of the situation. The Vice-Chancellor may continue to adopt informal mechanism, referral to outside bodies such as the police, Independent Commission Against Corruption (ICAC), or the Chairman of the grievances panel (The University of Hong Kong, 2021). Figure 1 shows the procedural steps outlined by the Resolution of the Grievances of Students at the University of Hong Kong.

Despite the fact that complaints are to be resolved fairly in a manner acceptable to all parties (The University of Hong Kong, 2021), the lack of ombudsing at universities in Hong Kong may have prevented students to reach a mutually agreeable resolution with their institution. In addition, as highlighted by most university dispute resolution guidelines, complaints have the tendency to be resolved by members within the institution. As such, impartiality is difficult to maintain as the members handling these complaints work within the jurisdiction of the university and are bounded by LoU.

The lack of control from disputing parties after a complaint has entered the formal phase may further strain student-academic staff relationships. Though formal procedure is considered as a last resort when informal channels have failed, the inflexibility to re-engage in informal resolution process after formal channel has been initialized would impede disputing parties from determining the outcome. Taking into account that third parties such as

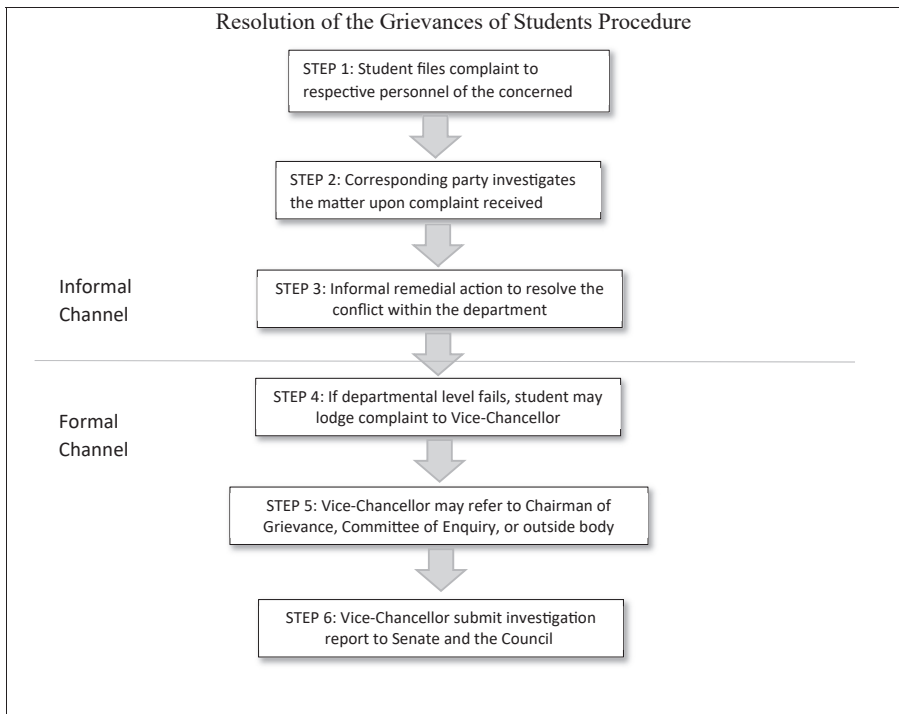


Figure 1.
Resolution of the
Grievances of
Students Procedure
Source: The
University of Hong
Kong (2021)

members of the grievance committee would become decision makers for the resolution, settlements imposed may not necessarily address the needs, concerns, and interests of the disputants.

Another function of formal dispute resolution is to provide institutions the means to determine the final outcome of the conflict by cross-examining evidence presented by disputants. Even though such “fault-finding” mechanism could expedite the process in reaching a settlement, such method may not necessarily place the disputants in a “win-lose” situation. If the dispute consists of sensitive information, full disclosure of particulars regarding the incident may place both disputants as “losers”. Furthermore, such competitiveness during the dispute resolution process may affect morale within the academic community.

As such, many higher education institutions have increasingly promoted mediation as an Alternative Dispute Resolution (ADR) mechanism to complement the existing ombudsing system. Where ombudsing recommendations are often perceived as reactive, mediation is capable of shifting conflict to consent under the premise that people desire to live in harmony. When conflicting issues arise, interpersonal relationships are endangered and those involved would be put into a state of uncertainty. In such circumstances, mediation is to re-establish legitimacy between disputants by constructing a negotiation platform committed to provide fair treatment and fair outcome (Patton, 2005). As disputants are empowered by the principle of self-determination, power imbalances will be addressed, and parties are able to engage in discussions to reach mutually satisfying resolutions. The Cognitive Mediation Theory (Lazarus, 1991) also highlighted how concessions are appraised when assessments of situation (Stimuli) and its meaning (Cognitive), were assessed (Mediate). This leads to realization of Best Alternative to Negotiated Agreement (BATNA) and Worst Alternative to Negotiated Agreement (WATNA) through “reality check”, a procedure commonly used in mediations.

According to Greco Morasso (2011), mediation is a preferred dispute resolution approach in higher education for its argumentative, intrinsic, and extrinsic reasons. From an argumentative perspective, mediation facilitates parties’ understanding of context in terms of institutional and interpersonal relations. This is vital for accurate analytical reconstruction of the dispute, allowing parties the opportunity to view the disputed incident holistically and evaluate their argumentative position realistically. As the comprehension of the dispute deepens, disputants would critically reflect upon the opposition’s arguments, evaluate their own stance, and recognize their uncertainty (Van Eemeren and Grootendorst, 2004).

In relation to intrinsic benefits, mediators are nominated by disputing parties directly to help them find a resolution to their conflict. This strikes a sharp contrast with ombudspersons who are appointed by institutions to intervene in conflicts but disputing parties cannot be in direct control over the outcome. Therefore, decisions on conflict resolution (ADR) would be made by external parties and not by the disputants themselves.

Greco Morasso (2011) has also found extrinsic benefits outside the scope of dispute resolution strategy. Mediation in schools has encouraged students to disclose their concerns to academic staff, which in turn improved their ability to refine student policies. Conflict resolution education (CRE) programs focused on educating students about constructive approach to managing disputes in school has also expedited the establishment of peer mediation on campuses (Compton, 2002).

Research gap

ADR has been integrated into the Hong Kong Judiciary system for over a decade. While ADR is often used to resolve disputes in the commercial sector, there is a lack of research on its application in the Hong Kong higher education sector. As such, this paper aims to explore the

feasibility of integrating ADR into the existing conflict management system in resolving interpersonal conflicts, i.e., discrepancies on expectation of academic results between students and faculties, at universities in Hong Kong.

Objectives

The research objectives of this study are:

1. To determine whether the incorporation of an independent dispute resolution program at universities in Hong Kong is feasible.
2. To evaluate the significance of mediation as a mechanism to resolve interpersonal conflicts for university students and staff in these institutions.
3. To suggest ways to improve the existing dispute resolution system employed by these institutions and enriching the campus life of university students and staff in Hong Kong.

Research methodology

Mixed methods research approach was adopted, using survey questionnaire and semi-structured interview to gather undergraduate students' understanding of dispute resolution mechanism currently implemented at their respective universities in Hong Kong. Factors that may influence their decision to utilize ADR on campus were also noted.

As participation was voluntary, reaching for eligible participants was a challenge. To overcome such issue, the snowball sampling technique was used. Though snowball sampling was susceptible to sampling bias, respondent-driven sampling (RDS) was incorporated to compensate for such non-random selection. Through such sampling technique, thirty-six university students and four academic staff have responded to the survey and the interview. While majority of the students were from the same university (16 out of 36), five interviews were conducted with students from different universities. Meanwhile, three academic staff from different universities have participated in both survey and interview.

The researcher designed and distributed a survey to undergraduate students who were studying in universities in Hong Kong. Participants were also encouraged to distribute the questionnaire to their peers who fulfilled the selection criteria. Students who had experienced interpersonal dispute on campus and engaged in dispute resolution process offered by their universities were invited for an interview. Interviews were semi-structured with open-ended questions to allow further discussion on research topic. To ensure a balanced research, identical survey and interview procedures were conducted with academic staff to illustrate their perspective views towards ADR in universities in Hong Kong.

To enhance the validity and reliability of collected data, an experienced mediator conducted the interviews. The benefit of performing interviews by an experienced mediator was the ability to inquire sensitive issues from participants. Since mediators are trained facilitators and are experienced in identifying underlying interests, such arrangement would provide insightful observations for the research.

Findings

ADR from the perspective of university students

According to research findings (see [Appendix A](#) - Summary of University Student Survey), students were either unfamiliar with the dispute resolution program offered at their universities or were unaware of the procedures needed should grievance arise (30 out of 36 students). While there was generally good understanding of mediation as a "process where an

impartial person help disputing parties communicate and resolve their issue without providing solutions or suggestions” (25 out of 36 students), some perceived the process as “someone (who) helps others resolve dispute by providing suggestions or solutions” (9 out of 26). The perception of accessibility to professional dispute resolution on campus was also low. Considering that majority of the students were unfamiliar with the dispute resolution program offered at their university, most students were unsure (26 out of 28) whether professional conflict handlers performed such program.

Accessibility to dispute resolution has impacted the likelihood of raising concerns to academic staff. In one of the interviews, one of the students claimed that experience told her that filling complaints were cumbersome and provided no immediate result. When asked how her experience may be improved, she wished better guidelines were provided for students to raise their concerns.

Disclosure of interpersonal dispute to the institution

When students were provided a scenario where an interpersonal conflict with another student had happened and that communication between the students had broken down, more than half of the participants (20 out of 36) “would not escalate” their dispute to academic staff to resolve the situation. While a fraction of the students would raise their concern to the course lecturer (8 out of 36) or program leader (6 out of 36), escalation to department management (2 out of 36) was unlikely. In this scenario, no student escalated the conflict to faculty management level. Meanwhile, when students were provided a similar situation, only that the conflict was with a lecturer, half (18 out of 36) of the students would raise their concern to the program leader. However, few would raise their concern to department management (6 out of 36), and rarely to faculty management (3 out of 36). Many (9 out of 36) would continue to stay silent and not escalate the situation (9 out of 36).

The change in settings helped explore the perception of interpersonal conflict among students at universities in Hong Kong. While the tendency of disclosing interpersonal dispute to academic staff was low when conflict was between students, trend analysis has suggested that students were generally unwilling to escalate the situation beyond program leaders. From a hierarchal perspective, program leaders held supervisory positions within the program and were often academic advisors to students. As such, program leaders tend to have built rapport with most students within their program.

Upon interviewing selected students, one of the students claimed that interpersonal conflict was rather common during group projects, especially when students were selected to work with those whom they have previously not worked with. As there were tendencies of free riders, such behavior would create tension within the group. However, escalation to academic staff was minimum as most students would choose to tolerate free riders until they could choose to work with someone else in the new semester. The identity of free riders would be circulated among students to assist others from working with these students in the new semester.

While conflicts between students were not commonly escalated to academic staff, escalation to program leaders was deemed acceptable when dispute involved course lecturers. However, escalation to program leader was circumstantial. According to some students, disclosure of the incident would depend on their rapport with the program leader. If the program leader is perceived fair and just, the likelihood for disclosure would increase. When asked how relationship with academic staff affected tendency of disclosure, respondents believed that academic staff were in power and have the ability to interfere with academic results should they retaliate.

Most interview participants, however, expressed that their dispute with an academic staff was due to “miscommunication” and were “independent incident”. When asked whether

relationship has reconciled after complaint, students who had not escalated were generally on good terms with their lecturers. As for those who had escalated their concern, they were unable to comment as they no longer participated in the disputants' classes.

Prospect of mediation to resolve interpersonal dispute on campus

Given that participants of the student survey generally understood what mediation was, the idea of implementing such ADR mechanism into the existing grievance system is welcomed. Of the thirty-six respondents, more than half of the students (21 out of 36) would participate in mediation should such option was available when interpersonal conflict arose. While the majority of the remaining participants (14 out of 36) choose "maybe", only 1 participant rejected mediation as an ADR. However, explanation for such decision was unavailable as that participant opted not to participate in follow-up interview (see [Appendix A](#)).

According to interview results, participants generally appreciate mediation as a dispute resolution mechanism because the process promised 1) impartiality, 2) confidentiality, and 3) voluntarily. By referring to the participant who have raised the issue to academic staff in hopes of seeking third party assistance, the impartiality of a mediator would provide student and staff a platform for genuine dialog. Since mediators are perceived to be fair and would listen to both sides of the dispute, students and staff would be able to share their thoughts without being judged or criticized. Disputant would also be able to take advantage of such session to convey their needs, interests, and concerns. This would pave way for reconciliation of relationship between students and academic staff and improvements to student wellbeing on campus.

Confidentiality was also appreciated by participants as it provided a sense of anonymity to those who have decided to raise their concern to academic staff and beyond. The idea of anonymity would not only encourage social justice in education, but also remove the possibility of identification which may cause unequal treatment of students. As such, if universities fail to protect complainants, students would never raise their concerns and universities, according to participants, will never improve.

As such, confidentiality is an important aspect in dispute resolution and should be safeguarded in order to facilitate disclosure of information between participants ([Brown, 1991](#)) that may otherwise be used against them. In this case, students who raised their concern in hopes of remedying their situation. While confidentiality is not absolute, such as criminal acts ([Gray, 1998](#)), it provides parties the peace of mind to express their concerns and needs otherwise inconvenient to disclose in public.

Since mediation is a voluntary process where disputing parties may participate by choice, interviewees perceive such arrangement beneficial as they are not bounded to resolve the situation by external forces. As participants are empowered by the principle of self-determination, possible power imbalances between students and academic staff may be addressed. By constructing a negotiation platform committed to provide fair treatment and fair outcome ([Patton, 2005](#)), it would encourage constructive discussion between disputants to resolve the situation and motivate them to be responsible for the disputed outcome ([Goldberg, 2007](#)).

Therefore, based upon the feedback from the student survey and subsequent interviews, university students in general considered mediation as an effective tool to resolve interpersonal conflicts on campus (28 out of 36). In addition, many (27 out of 36) would recommend mediation to their friends if they encountered interpersonal dispute on campus.

ADR from the perspective of university academic staff

Responses from the academic staff survey were reviewed to identify perception tendencies of academic staff regarding on dispute resolution (see [Appendix B](#) Summary of University

Academic Staff Survey). Academic staff were also invited to the interviews as their knowledge of the dispute resolution program implemented at their respective higher education institution would provide insight into this research.

Comprehension of dispute resolution program available on campus

According to the survey results, academic staff were rather unfamiliar (3 out of 4) with the dispute resolution program offered at their respective university. Further clarification with academic staff pointed out that they were not complaint handlers thus unable to fully comment on the dispute resolution program. While all participants have good understanding of mediation as a “process where an impartial person help disputing parties communicate and resolve their issue without providing solutions or suggestions”, perception of accessibility to professional dispute resolution on campus was mixed. Participants were also unsure whether such program was performed by professional conflict handlers.

During interviews, academic staff explained that a dispute resolution program had been in place, but knowledge of such grievance system was limited as they were not part of the grievance panel. However, they claimed that course lecturers should be the first point of contact if students wanted to raise any concern. Should the matter concerned required escalation, it would be forwarded to program leader. The dispute resolution program is a tier-based system and if a dispute can be resolved at a certain level, it will not be escalated.

Observation of confidentiality and impartiality in dispute resolution

While institutions have protocols to protect the anonymity of individuals who filed for complaints, and the importance of maintaining confidentiality as well as impartiality were understood by academic staff, most participants (3 out of 4) were aware of interpersonal disputes that happened within their department. Be that as it may, this does not mean that the identity of complainant was jeopardized. According to the interviewees, universities have strict policies in regard to the protection of privacy and the rule of confidentiality is observed in compliance with local laws. When inquired about the circumstances where identity disclosure is required, the participants highlighted that only when there are serious violations of university policies.

Although participants emphasized the importance of confidentiality and impartiality when handling disputes, further investigation has revealed that academic staff have various interpretation on impartiality and conflict of interest. While impartiality is generally understood as “no conflict of interest” or “not (in) favor (of) any parties under dispute” (see [Appendix B](#)). The interpretation and application of informal and formal dispute resolution was also indecisive. While some considered complaints filed verbally or email between students and course lecturers should be considered informal, others considered all forms of complaint should be treated as formal. When participants were asked to clarify such discrepancy, they reinstated that the disputes are treated on a case-by-case basis and individual experience may influence interpretation.

Criteria considered as favorable dispute resolution outcome on campus

Given the fact that professional dispute training was not always offered to academic staff, dispute handling appeared to be dependent on personal attributes such as experience, value, ethics, and attitude. When participants are invited to present their views on what constitutes as favorable dispute resolution outcome in higher education institutions, various suggestions have transpired. While one of the participants suggested a favorable outcome should consist of a mutually agreed solution between parties that is fair and constructive, another participant considered a resolution that is drawn by abiding to institutional regulation and laws would be optimal.

Such ambiguity among academic staff in defining a favorable dispute resolution outcome may haphazardly create unnecessary tension to an already heated dispute, further escalating the situation. In addition, participants claimed that members of dispute resolution panel or grievance committee are nominated from the pool of academic and administration staff. While participants have emphasized such arrangement was intended to perform functions similar to a jury, the nature of such closed-door dispute resolution system is disciplinary-focused rather than reconciliation. Such practices, therefore, may reinforced students' tendency to not raise their concerns to academic staff as filing a dispute may, in their opinion, have devastating results to their academic life.

Prospect of mediation to resolve interpersonal conflicts on campus

According to the survey, the majority of the participants (3 out of 4) did not envision mediation would become a trend in resolving interpersonal disputes in universities. As they believe the existing protocol is sufficient for academic staff to resolve interpersonal disputes informally, changing the policy lacks both urgency and cost effectiveness. In addition, the current complaint handling practices, as suggested by one of the participants, emphasized on resolving dispute at lower level. As such, unless the complaint is serious, most academic staff have the experience to handle the majority of issues raised by students.

Despite the fact that academic staff did not recognise the need to implement mediation on campus, they acknowledged the limitations of the existing dispute resolution system. Considering members of the dispute resolution panel or grievance committee are nominated from the pool of academic and administration staff, the lack of professional training on dispute resolution may jeopardize impartiality in determining the outcome. In other words, the current dispute resolution system is designed as a linear procedure where disputing parties would not be able to reengage "informal" dispute resolution to resolve the situation once formal proceeding has been initiated.

Implications

The findings in the previous section have provided an overview on the existing dispute resolution program currently implemented at universities in Hong Kong. While sample size of respondents who took part in the research may not be representative, they have offered insight into the feasibility of mediation as an ADR to resolve interpersonal conflicts for university students in Hong Kong.

According to the findings, most higher education institutions in Hong Kong have implemented various dispute resolution channels to handle conflicts on campus. However, the majority of its students as well as academic staff were unaware of these programs nor its processes. Although the study has found that conflict between students and academic staff was minimal, and utilization of both informal and formal dispute resolution channel was low, the occurrence of interpersonal dispute could not be discredited. Incidentally, feedback from the survey and interviews suggested that students choose not to voice their criticisms to academic staff due to unawareness of proper channels. Despite the fact that such processes were outlined in university student handbooks ([The University of Hong Kong, 2021](#)), they were not promoted. Students, therefore, would not participate in campus dispute programs due to unfamiliarity to the processes, which in turn would delay resolutions.

Students' hesitation in disclosing interpersonal disputes to institutions were also due in part to fear of potential academic retribution. The perception of students being disadvantaged when interpersonal disputes occur on campus ([Miles, 1967](#)) is related to power dynamics within the higher education institution. Such common belief is compounded by the lack of transparency in higher education dispute resolutions and professional training

on dispute handling. While academic staff were provided with procedures on handling disputes, interpretation and application of informal and formal dispute resolution was dependent on personal attributes. Members of dispute resolution panel or grievance committee were also nominated from the pool of academic and administration staff, and without proper conflict handling experiences, discrepancies in dispute resolution would reinforce the vicious cycle of misconception where students were disadvantaged in the education system. When students avoid raising concerns, institutions would be unaware of their dissatisfaction. As a result, this impedes improvements through conflict resolution. However, as divergence between institution policies and student needs increases, conflict ensues.

Studies revealed the establishment of student unions and other student-based associations have influenced the distribution of power in student-teacher relationships. As the performance of academic staff is based on their teaching quality, their ability to inspire students to learn and achieve learning outcomes is paramount. In addition, students can provide feedback on teachers to the institution through the student evaluation mechanism. As such, building rapport with students and creating a positive learning environment are critical. Due to lack of awareness and transparency in the dispute resolution program, students may potentially disclose their discontent on the Internet. Such activity is undesirable due to circulation of allegations before investigation and it may jeopardize confidentiality and impartiality of the grievance panel and unfair to disputing parties involved. Public trust, institution reputation, and morale of staff would also be undermined.

Despite the fact that academic staff participated in the research did not recognise the need to implement mediation on campus, such response may be due to the perception of changes in the bureaucratic system is perceived as problematic and should be avoided (Watson *et al.*, 2017), which has long been rooted in higher education. Their acknowledgement on the limitations of the existing disciplinary-focused, closed-door dispute resolution system as well as the lack of resource allocation to dispute resolution training further promotes the need for an alternative conflict management system that emphasises on restoration of harmony in the university community.

Recommendations

As general awareness of the existing dispute resolution system in universities is low, promotion of its availability and means to access such resource is essential. Feedback from research participants has also conveyed the importance of training members of staff in the institution on conflict handling. Coaching of mediation skills, such as active listening and paraphrasing (reframing), can encourage issues to be resolved at student-teacher level. Such mediation training can significantly reduce miscommunication, thus avoiding unnecessary escalation of disputes due to frustrations.

In addition, promotion and education of students on the use of proper channels to raise concerns will ensure confidentiality of parties involved, thus providing a constructive platform for consensus building towards resolving the dispute. This will also proactively prevent instances such as circulation of allegations on social media due to discontent, thus safeguarding public trust, institution reputation, and morale of staff within the campus community.

Transparency in the dispute resolution mechanism should be enhanced in order to maintain consistency in informal and formal resolution practices. This may include allocation of both monetary and human resources on professional dispute resolution training. By equipping academic and frontline staff with the skills needed to handle interpersonal conflict, escalation of dispute to higher level can be minimized.

In regard to the current closed-door, disciplinary-focused dispute resolution system, implementation of an independent dispute resolution body such as mediation would be

beneficial. While impartiality can be ensured, the ability to receive recommendation on the existing resolution of grievances may improve the wellbeing of academics. In addition, mediation as an independent body can provide disputants a means to reengage informal dispute resolution to resolve the situation after formal proceeding has been initiated.

Advocating a multidisciplinary approach in dispute resolution involving relevant stakeholders within the higher education organization can promote social justice in the academic community. To further the cause, promotion of peer mediation through student affairs, along with the integration of counselors and social workers, can foster student wellbeing within the campus community while preserving reputation and relationships of disputing parties involved. This may also provide an alternative resolution channel for milder non-disciplinary disputes, which would significantly reduce the workload of academic staff members who are currently the first responders to student conflicts.

Limitations

One of the limitations of this research was accessibility to the target population. As this research utilized the snowball sampling technique to recruit, this technique was prone to sampling bias and researchers would have limited control over its sample size. This study employed a small sample size which may have compromised the power and representativeness. Considering this research involved the disclosure of sensitive information such as ones' personal details and conflict experiences, the lack of face-to-face interaction over the semester has severely hampered the means to recruit participants.

The low participation rate may be attributed to cultural factors (Hofstede, 1991). Since most student participants in this research are ethnically Chinese, their lack of willingness to resolve interpersonal conflicts may be associated with high risk avoidance observed in Chinese societies (Bond and Lee, 1981). As such, students may opt not to complicate matters by remaining silent. Therefore, having access to data from culturally diversified target population will improve generalizability of findings.

Conclusion

Given that the number of respondents may be insufficient to provide a representative view, this research has provided a glimpse of the limitations the existing dispute resolution system. In general, university students in Hong Kong were unfamiliar with the dispute resolution offered by their universities. While efforts by institutions have been made to implement "informal" dispute resolution channels in handling interpersonal conflicts, the lack of knowledge in terms of accessibility and processes has significantly hampered its effectiveness.

While mediation is not openly promoted to university students as an ADR mechanism to resolve interpersonal conflicts at universities in Hong Kong, academic staff were entrusted with discretionary power by respective institutions to handle student conflicts. Although such "informal" dispute resolution has been exercised, this research has revealed that the lack of professional training has resulted in discrepancies on the interpretation and application of such "informal" dispute resolution. While one may consider complaints filed verbally as informal, another may view all forms of complaints as formal. Such practices have significant impact on students and further confirm their misconceptions that students are disadvantaged in the education system (Miles, 1967) and raising concerns or criticisms may expose themselves to untenable situations (Jamieson and Thomas, 1974).

The effectiveness of mediation as a tool to resolve interpersonal conflict at universities in Hong Kong is debatable. While university students welcome the concept of an impartial dispute resolution body to be integrated into the campus system, academic staff members

do not recognise it as an effective tool. However, such response may be due to the perception of changes in the bureaucratic system as problematic and should be avoided (Watson *et al.*, 2017). Their acknowledgement of the limitations of the existing dispute resolution system, however, may invite the need for an alternative conflict management system that emphasises on restoration of harmony in the university community. Considering that mediation has long been incorporated in other universities around the world, and that “informal” dispute resolution processes has already been exercised, the incorporation of mediation into existing dispute resolution mechanism at universities in Hong Kong would be invaluable.

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Questions	Responses
1) Were you familiar with the dispute resolution program or resolution of grievances offered by your university?	Yes – 6 No – 30
2) Have you heard of 'Mediation' before?	Yes – 32 No – 4
3) What is your understanding on 'Mediation'?	
- A process where someone help others resolve dispute by providing suggestion or solution.	9
- A process where an impartial person help disputing parties communicate and resolve their issue based without providing solution or suggestion.	25
- No Idea	2
5) From your understanding, are mediations in your university performed by professional mediators?	Yes – 6 No – 2 Not Sure – 28
6) Assuming you have an interpersonal conflict with a student and communication has breakdown, who will you first reach out to resolve the situation?	Course Lecturer – 8 Program Leader – 6 Department Administrator – 2 Will Not Escalate – 20
7) Assuming you have an interpersonal conflict with a lecturer and communication has breakdown, who will you first reach out to resolve the situation?	Course Lecturer – 18 Program Leader – 6 Department Administrator – 3 Will Not Escalate – 9
8) Assuming you have an interpersonal conflict on campus and your university offers mediation as an alternative dispute resolution program, will you participate?	Yes – 21 No – 1 Maybe - 14
9) Have you been involved with a dispute that involves another member (student or staff) during your studies in the university?	Yes – 8 No – 28
10) Was your dispute related to a fellow student or a staff in the university?	Student – 3 Staff – 5
11) Have you participated in campus dispute resolution programs offered by the university?	Yes – 7 No – 1
12) Was the mediation process able to resolve the dispute?	No – 1
13) If the mediation was able to resolve the dispute, in your opinion, what are the factors that made it successful?	No Response as Q12 Yes = 0
14) If you have not participated in campus dispute resolution programs, what may be the reasons	
- Dispute Resolution Program is Unavailable	5
- Fear of complication or possible retaliation	1
- Filing Complaint is cumbersome and provide no immediate result.	2
15) If the mediation was unable to resolve the dispute, in your opinion, what do you wish to improve?	
- Ability to nominate mediators from other institutions	5
- Ability to schedule for additional mediation sessions	2
- Ability to pursue other forms of alternative dispute resolution (e.g. minitrial)	2
16) If the dispute was unable to be resolved at a faculty level, will you pursue the case to higher disciplinary body, such as the vice-chancellor?	Yes – 4 No – 4
17) Would you consider mediation as an effective tool to resolve interpersonal conflicts in universities?	Yes – 28 No – 8
18) Would you recommend your friends to mediate if they encounter interpersonal dispute on campus?	Yes – 27 No – 9
19) Do you know anyone who has also experienced interpersonal dispute at a university in Hong Kong?	Yes – 9 No – 27

Note: Q4 omitted due to numbering error, Q20 to Q22 are invitation to interview questions.

Questions	Responses
1) Are you familiar with the dispute resolution program or resolution of grievances offered in your university?	Yes – 1 No – 3
2) Have you heard of 'Mediation' before?	Yes – 1 No – 1
3) What is your understanding on 'Mediation'?	
- A process where an impartial person help disputing parties communicate and resolve their issue based without providing solution or suggestion.	4
4) Is mediation available or promoted in your university as a means to resolve interpersonal disputes on campus?	Yes – 1 No – 2 Not Sure – 1
5) From your understanding, are mediations in your university performed by professional mediators?	Yes – 1 No – 1 Not Sure – 2
6) Have you or member of staff in your department / faculty been trained on mediation techniques?	Yes – 1 No – 3
7) To the best of your knowledge, has interpersonal dispute (student or staff) occurred in your department / faculty?	Yes – 3 Not Sure – 1
8) Have you handled a dispute that involves another member (student or staff) in your university?	Yes – 3 No – 1
9) Was the dispute related to a student or a staff in your university?	Student – 2 Staff – 2
10) Are there protocols to protect the anonymity of individuals who filed for complaint?	Yes – 3 No – 1
11) Is the dispute handled through the mediation process?	Yes – 1 No – 3
12) If the mediation was able to resolve the dispute, in your opinion, what are the factors that made it successful?	
Flexibility and control over the settlement	
13) Was the existing dispute resolution mechanism able to resolve the dispute?	Yes – 2 No – 1
14) Are you comfortable with the existing dispute resolution mechanism?	Yes – 2 No – 1
15) In your opinion, what may be the limitations to the existing dispute resolution mechanism?	
- The panel members may lack relevant knowledge or experience in handling such matters.	
- Process not transparent, power difference between students, teachers and faculty	
16) If mediation is available in your university, would you consider it as an effective tool for resolving interpersonal conflicts?	Yes – 2 No – 1
17) What is your understanding in regard to confidentiality?	
- Personal particulars of the parties under dispute should not be disclosed to unrelated parties.	
- Privacy and respect to the complainant	
18) What is your understanding in regard to impartiality?	
- The mechanism and members of the grievance committee should not favor any parties under dispute.	
- No conflict of interest, not favoring a particular party	
- Never really achievable especially within a school setting	
19) What is your understanding in regard to conflict of interest?	
- Have presumptions over or even vested interests with either or both of the stakeholders	
- When a person derives personal benefit from actions or decisions made in their official capacity	
20) In your opinion, what criteria are considered favorable outcome in regard to dispute resolution?	
- When both parties come to a consensus regarding a mutually agreed solution that is fair and constructive	
- According to laws and institutional regulations, parties under dispute have the chance to present their evidence and views before final decision.	
21) In your opinion, would mediation become a trend in resolving interpersonal dispute in universities?	Yes – 1 No – 3
22) Would you like to further assist in our research by participating in the follow-up interview?	Yes – 3 No – 1

About the author

Aaron C.K. Lau is an accredited mediator in Hong Kong and the president of the Hong Kong Mediation Society. He obtained his Bachelor of Social Sciences from the School of Professional Education and Executive Development, the Hong Kong Polytechnic University. He also received his Master of Education degree from the University of Hong Kong. Being an advocate for Alternative Dispute Resolution, his research interests are on educational psychology, positive psychology, conflict management, and application of non-adversarial dispute resolution through consensus building. Aaron C.K. Lau can be contacted at: aaroncklau@outlook.com

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