CPCR Mediation FAQ

What is the Center for Peace and Conflict Resolution?

The CPCR is a BYU Law School program focused on promoting peace on campus and throughout the world. Some of our core functions include providing mediation and arbitration services for the campus community, organizing events, teaching courses and workshops, and offering dispute resolution consultations.

What is mediation?

Mediation is a process in which two parties in conflict meet with a neutral third-party (the mediator) who facilitates discussion to help the parties reach an agreement. The mediator is not a decision-maker; parties retain full authority to come to an agreement that works for them. While a resolution is not always reached, the process is often an effective alternative to other options such as court, which can be both costly and time-consuming. Agreements reached in mediation are legally binding contracts.

What is arbitration?

Arbitration is a process in which two parties in conflict meet with a neutral third-party (the arbitrator) who hears arguments and reviews evidence from both sides, and then issues a legally binding decision. At the CPCR, arbitration hearings are typically conducted by a panel of three arbitrators: a BYU student, a BYU-contracted landlord, and BYU Law School faculty member (or BYU administrator with a JD). At the CPCR, we require good-faith mediation to be attempted before an arbitration can take place.

How are mediation and arbitration different?

One of the main differences is who has control of the outcome. In mediation, parties have the power to make an agreement. In arbitration, the arbitrator has the power to make the decision. A signed agreement in mediation, and an arbitrator’s decision in arbitration are both legally binding. Arbitration is a more formal process than mediation and is sometimes described as “informal court.”

Who can participate in mediation and arbitration?

For mediation, the CPCR primarily serves the BYU campus community. Non-BYU parties may contact the CPCR to see if their conflict is suitable for mediation at the Center. If not, we can provide referrals to outside mediators who may be of assistance. The mediation process begins by filling out the “Mediation Request Form”. Once the form is received, a CPCR fellow will contact the parties to discuss the case and to schedule a mediation conference.

For arbitration, only BYU students and BYU-contracted landlords may participate.

Who are the mediators and arbitrators?

The CPCR relies on volunteers to fulfill needs for mediation and arbitration. Mediators can be trained students, faculty, or community members who have successfully fulfilled requirements set by the CPCR.

Arbitrators are usually a panel of 3 made up of a BYU-contracted landlord, a BYU student, and a BYU Law School faculty member (or BYU administrator with a JD), all neutral to the case. Arbitrators serve on a volunteer basis.
How long does mediation and arbitration take?

Mediation times can vary widely depending on a variety of factors. We ask that, if possible, you block out 3 hours of time, though the average time for a mediation has been around 1-1.5 hours.

Arbitrations usually take about an hour for the proceeding.

None of this time accounts for communication beforehand, emails, etc. which can vary significantly depending on the case.

How do I know if I should go to mediation?

While there is no clear-cut answer to this question, typically if you have unsuccessfully tried to resolve a conflict with the other person directly, mediation may be a helpful next step. Our team at the CPCR is happy to have you speak with us about your case to explore your options.

What can I mediate about?

We most often cover BYU off-campus housing landlord-tenant cases, but we can also cover other disputes, such as roommate or classroom issues. However, we do not mediate cases that have occurred more than 1 full calendar year ago. We also do not cover cases covered under Title IX and will refer you to the correct places, if needed.

I have a dispute, but I want to keep it confidential.

The CPCR believes that confidentiality is what helps these processes work. We do not report to the BYU Honor Code Office, and we keep all cases and their details strictly confidential, even destroying any notes we may take during mediation.

There are a few things that we must report, however. This is a non-exhaustive list, but includes things covered by Title IX (e.g., rape), abuse of minors or the elderly, and other felonies.

We also keep consultations confidential.

What consultation do you provide?

The CPCR provides conflict consultation. This can include how to approach sensitive topics, how to set and maintain boundaries, how to communicate more effectively, etc. However, the CPCR does not provide legal counsel and cannot interpret contracts, suggest legal action, or enforce any agreements or laws. If you do not know if we can help you, please ask! We can help point you in the right direction if we cannot help you directly.

You are not neutral because you are a BYU office, right?

Our goal is to provide a fair and efficient dispute resolution process for parties in conflict. To that end, we strive to be a neutral party, and we do our best to treat all parties with fairness, respect, and impartiality.

Where do I go or who do I contact if I need help?

If you would like to start the mediation process, please fill out this form.
If you would like to request arbitration, please fill out this form [insert link]. Please remember this process is available to BYU students and landlords only and requires mediation to have been done first.

For consultations and other questions, please email cpcr@law.byu.edu or feel free to walk-in to our office at 4412 WILK (please note that we are currently operating under restricted hours due to COVID-19).