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INTRA-GROUP CONFLICT RESOLUTION: A CASE STUDY ON PEER MEDIATION AT THE UNIVERSITY OF BOLOGNA AND OTHER EXPERIENCES

(EDS.)
E. ZUCCONI GALLI FONSECA
C. MANCUSO
A.M. FELICETTI

UNIVERSITY DISPUTE RESOLUTION

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Alma Mater Studiorum University of Bologna
Via Zamboni 33 – 40126 Bologna
Department of Legal Studies

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INTRA-GROUP CONFLICT RESOLUTION

A CASE STUDY ON PEER MEDIATION AT THE UNIVERSITY OF BOLOGNA AND OTHER EXPERIENCES

Elena Zucconi Galli Fonseca
Carolina Mancuso
Angela Maria Felicetti
(eds.)

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The "University Dispute Resolution - U.d.r." project

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Dispute system design in action: integrating student peer-mediation at the University of Bologna

ANGELA MARIA FELICETTI
Adjunct Professor and Postdoctoral Fellow, University of Bologna, IT; Institute of Legal Informatics and Judicial Systems (IGSG) of the Italian National Research Council (CNR)

KEYWORDS: Conflict Resolution; Dispute System Design; University; Peer Mediation

1. Dispute resolution in academia: room for improvement? – In recent years, the field of conflict management within academic institutions has increasingly attracted attention as a space for innovation and reform. Universities, as complex communities composed of students, faculty, administrative staff, and governing bodies, are characterized by a diversity of stakeholders and a multiplicity of conflict dynamics, ranging from interpersonal disagreements to institutional grievances. Within this evolving landscape, "design activities" aimed at structuring how conflicts are addressed have emerged across various jurisdictions and institutional contexts.

These design efforts have taken multiple forms and have been driven by a variety of actors. In some cases, legislative intervention has prompted structural reform in academia. For instance, in Spain, as analyzed by Sánchez-López[1], the *Ley de Convivencia Universitaria* of 2022 mandates universities to adopt mechanisms for peaceful conflict resolution, including mediation. In the United States, the State of Georgia launched in the mid-1990s one of the most coordinated regional initiatives in higher education,

[1] See chapter authored by Sánchez-López in this Volume.

providing centralized training and implementation support for conflict management systems across 30 public universities[2].

In other contexts, innovation has come from within institutions themselves. At the University of Bologna, the *Garante degli studenti* (Students' Ombudsperson) was established in the academic year 2003/2004 as a figure dedicated to safeguarding students' rights and promoting dialogue. In 2012, the *Garante*'s Statute was reformed to formalize and consolidate this role as an independent point of contact for students seeking informal resolution of academic and administrative issues[3].

These "re-design" initiatives reflect a broader cultural shift in how conflict is approached, both within the university context and across the legal system of reference. In Italy, for example, a recent shift in the approach to conflict has fostered the gradual integration of more dialogic and participatory forms of dispute resolution into the legal system, with particular emphasis on pre-action mediation and on the increasing interplay between mediation and civil proceedings[4]. A comparable shift has occurred in the United States, where alternative dispute resolution mechanisms (ADR) have been progressively integrated into the public court system, following the vision articulated by Professor Frank Sander in his concept of the "multi-door courthouse"[5]. This model has significantly expanded citizens' access to efficient and appropriate forms of dispute resolution by matching each case with the most suitable process. It has also inspired many American universities to establish ombudsperson offices and implement a variety of ADR programs, embedding a culture of conflict resolution within their institutional structures[6].

Innovations in the field of dispute management within universities are typically prompted by identifiable drivers. For instance, gaps in existing

[2] In 1994 the State of Georgia offered centralized training activities for administrative staff of all universities, published guidelines on dispute management and offered a consultation service for their implementation, cfr. D Yarn, 'Designing a Conflict Management System for Higher Education: A Case Study for Design' (2014) *Conflict Resolution Quarterly*, 87.

[3] C Mancuso and AM Felicetti, 'Innovative Approaches to Dispute Resolution in Academia: Insights from the University of Bologna' (2024) *Utrecht Law Review*, 41.

[4] For an overview: S Dalla Bontà, 'The promise of consensual justice: The recent mediation reform in Italy' (2021) 26 *Zeitschrift Für Zivilprozess International*, 3; P Lucarelli et al., 'Fitting the Forum to the Fuss While Seeking the Truth: Lessons from Judicial Reforms in Italy' (2020) 36 *Ohio State Journal on Dispute Resolution*, 213.

[5] J Barrett, A *history of alternative dispute resolution*, 2004, San Francisco, p. 141 ff.

[6] See W Waters, 'The History of Campus Mediation Systems: Research and Practice' (1999) *CNCR-Hewlett Foundation Seed Grant White Papers,* 10; and J Katz-Jameson, 'Diffusion of a Campus Innovation: Integration of a New Student Dispute Resolution Center into the University Culture' (1998) *Mediation Quarterly*, 129.

redress mechanisms are often a catalyst for the creation of new procedures. As evidenced by the survey discussed in the chapter by Mancuso, many students at the University of Bologna perceive a lack of accessible, effective, and responsive avenues for addressing interpersonal conflicts and grievances involving fellow students[7]. Another driver for innovation in institutional dispute management is the increasing number of cases and the growing pressure on existing mechanisms. The issue is particularly evident in the case of the *Garante* at the University of Bologna, whose workload has significantly expanded in the post-COVID period[8]. This trend highlights the urgency of diversifying available mechanisms and developing more effective pathways for triaging and addressing disputes.

The University Dispute Resolution (U.d.r.) Project stands out as an unconventional driver of change within the University of Bologna[9]. Unlike traditional institutional actors, it is a research initiative that applies academic knowledge to generate concrete improvements in how conflicts are understood and addressed within the academic community at the University of Bologna. The Project emerges in response to both structural shortcomings in the existing dispute resolution mechanisms and broader cultural transformations in the Italian legal system. As explained in par. 3 below, the U.d.r. Project has designed and piloted a peer-to-peer mediation program for students at the University of Bologna, grounded in pedagogical innovation and participatory design.

Over the past two decades, Italian universities have sought to train new generations of legal professionals in the effective use of ADR mechanisms in civil and commercial disputes[10]. The U.d.r. Project not only aligns with these efforts but deepens them by bridging the gap between what is taught in the classroom and how the university as an institution manages conflict. Through the development of a peer mediation curriculum, the Project has

[7] See chapter authored by Carolina Mancuso in this Volume.

[8] The number of disputes handled by the *Garante degli studenti* at the University of Bologna increased from 116 in 2012 to 314 in 2023, with a peak of 438 cases recorded in 2020. See: <https://www.unibo.it/it/ateneo/organizzazione-e-sedi/organi/relazioni-garante-degli-studenti>(accessed 11 February 2026).

[9] For an overview of the Project see the website: <https://site.unibo.it/mediazione-universitaria-udr-prin/it> (accessed 11 February 2026) For preliminary assessments of the Project's objectives see also: Mancuso and Felicetti (n 3) 34-49.

[10] On the topic see for references: S Dalla Bontà (ed.), *Le parti in mediazione: strumenti e tecniche. Dall'esperienza pratica alla costruzione di un metodo* (Quaderni della Facoltà di Giurisprudenza dell'Università di Trento, 2020) available in open access at <https://iris.unitn.it/handle/11572/269082> (accessed 11 February 2026); M F Ghirga, 'Cultura della Mediazione' (2024) *Rivista di diritto processuale*, 45.

equipped participants to recognize, analyze, and manage conflict through innovative and context-sensitive strategies. As noted by Uzqueda[11], the Project intentionally disrupts the traditional "top-down" approach often found in legal education by prioritizing experiential learning and systemic thinking. Its "bottom-up" methodology empowers students not merely as mediators, but as emerging professionals capable of designing and embedding sustainable conflict resolution systems within a variety of organizational and social contexts. In doing so, the Project contributes not only to educational innovation, but also to a broader institutional coherence between the University's teaching mission and its internal practices of dispute management. It is within this pragmatical dimension that the Project draws upon the principles of dispute system design (hereinafter also DSD)[12].

2. Principles of dispute system design (DSD). – The interdisciplinary theory of DSD is famously described as "the applied science of designing the means to prevent, manage and resolve streams of disputes and conflicts"[13]. Although DSD originated in North America over three decades ago, it remains relatively underexplored in the scholarship of continental Europe[14]. Its approach focuses on identifying the optimal options for dispute resolution, including both newer and traditional processes, by taking into account the ultimate goals of the systems, the stakeholders, the context and culture in which the systems operate, the processes currently

[11] See the chapter authored by Ana Uzqueda in this Volume.

[12] DSD is a highly interdisciplinary approach as it involves organizational theory, law, economics, human resources management, organizational development, political science, public affairs and social psychology. For references see, *inter alia*, W Ury, J Brett and B Goldberg, *Getting Disputes Resolved: Designing Systems To Cut the Cost of Conflict*, (Jossey-Bass, 1998); L Blomgren-Amsler, S Smith and J Martinez, *Dispute System Design: Preventing, Managing, and Resolving Conflict* (Stanford University Press, 2020).

[13] Blomgren-Amsler et al. (n 12) 7.

[14] See for example: A Nylund, 'A Dispute Systems Design Perspective on Norwegian Child Custody Mediation', in Nylund et al. (eds), *Nordic Mediation research*, Cham, 2018, p. 9 ff; P Cortés, *Dispute System Design Features of Effective Consumer Redress Models*, in *The Law of Consumer Redress in an Evolving Digital Market*, Cambridge, 2017, p. 247 ff.; M Barendrecht, 'Best practices for an affordable and sustainable dispute system: a toolbox for microjustice' (2009) *Tilburg University Legal Studies Working Paper No. 3*, available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1334619> (accessed 11 February 2026); C Gill, J Williams, C Brennan and C Hirst, 'Designing Consumer Redress: A Dispute System Design (DSD) Model for Consumer-to-Business Disputes' (2016) 36(3) *Legal Studies*, 438-463.

available, and the overall accountability of the systems[15]. The literature has clarified the distinction between processes (or procedures) and systems in dispute resolution[16]. Systems are concerned with the institutionalization of dispute resolution in a certain setting. They may offer a single process or several forms of process for dispute resolution, some of which may be formal and other informal. Each institutional system coexists with dispute resolution services offered by external actors, such as public courts, administrative bodies or private providers. DSD is equally concerned with making the available processes more efficient and with the creation – when needed – of new processes for dispute resolution, that may work as standalone mechanisms or in combination with existing processes.

The DSD analytical framework highlights the distinction between interest-based and rights-based approaches to dispute resolution[17]. Interest-based approaches focus on identifying and addressing the underlying needs and interests of the parties involved (e.g. negotiation and mediation). In contrast, rights-based approaches determine what parties are entitled to according to legal rules or practices (e.g. arbitration or other forms of adjudicative decision-making systems). The DSD literature contends that interest-based processes are superior to all others because they are less costly, more satisfactory, better at preserving relationships, and more likely to produce enduring outcomes[18]. DSD models tend therefore to drive stakeholders toward mediation and similar forms of dispute resolution, while leaving adjudicative mechanisms as last-resort measures.

In the *manifesto* of DSD, Ury and his co-authors developed a conceptual framework based on six basic principles, intended to guide the creation of effective, fair, and sustainable conflict resolution systems. These principles aim not only to improve procedural efficiency but also to promote a shift from adversarial to interest-based approaches to conflict, especially in complex institutional environments.

First, designers are encouraged to "put the focus on interests", meaning that dispute resolution systems should prioritize the underlying needs and motivations of the parties, rather than concentrating solely on their legal rights or hierarchical positions. This principle requires a multi-layered

[15] S Smith and J Martinez, 'An Analytic Framework for Dispute System Design' (2009) 14 *Harvard Negotiation Law Review*, 129-33.
[16] Idem, 126.
[17] Blomgren Amsler et al. (n 12), 34.
[18] Ury et al. (n 12), 10-19.

approach: the system should incorporate accessible and clearly structured negotiation pathways that enable parties to engage in dialogue at an early stage. It should also strengthen the motivation to negotiate by fostering a culture that values cooperative problem-solving and by providing appropriate incentives to choose dialogue over escalation. Furthermore, the system must invest in capacity-building, equipping potential users with the skills necessary for effective negotiation, for instance through targeted training. Finally, this principle entails the allocation of adequate resources, such as the creation of dedicated roles (e.g., ombudspersons).

Second, effective systems should "build loop-backs to negotiation", meaning they must allow parties to return to informal dialogue even after more formal processes have been initiated. These loop-backs increase the likelihood of resolution through consensus, reduce procedural costs, and preserve relationships by preventing premature escalation. They also help maintain party autonomy throughout the dispute process.

Third, DSD frameworks recommend "providing low-cost rights and power backups". While interest-based processes are ideal in many cases, there must be accessible process based on parties' rights and enforceable against parties' will (such as ombuds services, grievance procedures, or appeals boards) as essential safeguards. These backup mechanisms ensure that when negotiation fails or is inappropriate, parties still have recourse to fair and accountable processes without incurring excessive financial or relational costs.

Fourth, system design should "build on consultation before, and feedback after". Stakeholder involvement in both the design and evaluation of the system is crucial to ensure legitimacy, usability, and adaptability[19]. Engaging potential users during the planning phase helps tailor the system to the actual needs and constraints of the community, while structured feedback mechanisms ensure that the system evolves based on users' lived experiences and emerging challenges.

Fifth, procedures should be "arranged in a low-to-high-cost sequence", guiding parties through a graduated path that begins with the least costly and least adversarial options (such as informal discussion or peer mediation) and escalates only when necessary. This sequencing not only encourages early resolution but also conserves institutional resources and reduces the emotional and social toll of conflict.

[19] Smith and Martinez (n 15) 131.

Sixth, a well-functioning system must "provide the necessary motivation, skills, and resources" to ensure meaningful engagement by its users. This includes both individual-level capacities (such as training in communication or active listening) and organizational-level infrastructure (such as dedicated staff, allocated time, and administrative support). Without these enabling conditions, even well-designed procedures risk underuse or ineffectiveness.

The literature on DSD underscores the centrality of goal-setting as a foundational component of any design process[20]. Clearly articulated goals not only guide the selection and structuring of dispute resolution mechanisms but also enhance the overall quality and coherence of design choices. A preliminary and critical step involves defining the scope of conflicts the system is intended to address[21]. Within that defined scope, goals may vary significantly: they can pertain to the types of processes to be employed (e.g., negotiation, mediation, adjudication), the quality and fairness of outcomes, the balance between procedural efficiency and resource allocation, and the broader institutional or cultural shifts the system is expected to promote[22]. Importantly, the system designer holds the responsibility of prioritizing among potentially competing goals, ensuring coherence and internal consistency. However, the design process must also rest on a solid ethical foundation[23]. This includes critically evaluating the legitimacy of the system's objectives in light of individuals' fundamental rights, fairness, and due process guarantees. Ethical DSD practice entails rejecting design objectives that seek to suppress legitimate grievances, manipulate stakeholder engagement, or systematically ignore claims, even if such goals might serve institutional expediency.

[20] Smith and Martinez (n 15) 129.

[21] KZ Shariff, 'Designing Institutions to Manage Conflict: Principles for the Problem-Solving Organization' (2003) 8 *Harvard Negotiation Law Review*, 133. At 146 the author argues that the scope should be as broad as necessary in order to cover many related issues of interest for the member of the institution instead of being limited to specific or narrow issue area.

[22] Gill et al. (n 14) 448.

[23] For a broad overview of ethical issues involved in DSD: C Menkel-Meadow, 'Are There Systemic Ethics Issues in Dispute System Design? And What We Should (Not) Do About It: Lessons From International and Domestic Fronts' (2009) 14 *Harvard Negotiation Law Review*, 195. See also: Blomgren-Amsler et al. (n 12) 90.

2.1 DSD for Unibo: goals and scope. – As mentioned, DSD has already been successfully applied by legal scholars to investigate mechanisms for conflict resolution currently deployed by universities[24].

In designing a dispute management system for an academic institution such as the University of Bologna, one of the initial and most critical tasks is the articulation of clear and coherent goals, closely aligned with the institution's core educational mission. Given that the University is primarily devoted to research and teaching[25], a well-conceived DSD should seek not only to manage and resolve disputes within the community, but also to reframe conflict as an opportunity for education, reflection, and personal growth. This approach encourages a constructive culture in which disputes are not merely seen as disruptions but as integral moments for learning and community development. Accordingly, the goals of the system should include promoting respectful dialogue, strengthening community bonds, and fostering self-regulation and problem-solving capacities among community members. The system should particularly provide a learning opportunity for all students, regardless of their disciplinary background, on benefits of interest-based dispute resolution. This includes equipping students with a foundational understanding of how mechanisms such as negotiation and mediation can serve as effective alternatives to adversarial, rights-based approaches. Through direct engagement with peer mediation programs or ADR-related training, students can acquire transferable skills in communication, negotiation, and conflict resolution, skills that are increasingly essential across professional sectors.

Defining the scope of the system for management and resolution of disputes is equally essential. The University of Bologna is an inherently diverse and multi-layered community, comprising students, PhD candidates, faculty members, administrative and service staff, each with distinct roles, interests, and vulnerabilities. The system should be capable of addressing both "horizontal conflicts" arising among peers (e.g., disputes among students or among faculty) and "vertical conflicts", which involve

[24] N Palmadesso, 'Student mediators solving campus conflict: the efficient shift from discipline to dispute resolution' (2017) 72 *Dispute Resolution Journal*, 55-86. See also: N Katz and L Kovack, 'Higher education's current state of alternative dispute resolution services for students' (2016) 4 *Journal of Conflict Management*, 5-37; J Meyer Schrage and N Giacomini (eds.), *Reframing Campus Conflict: Student Conduct Practice Through the Lens of Inclusive Excellence* (Routledge, 2020). See also: Mancuso and Felicetti (n 3) 37.

[25] See <https://normateneo.unibo.it/Statuto.html> (accessed 11 February 2026).

parties in hierarchically asymmetrical positions (e.g., student-professor or staff-administration disputes). In some cases, particularly where employment relationships are involved, such disputes may also qualify as workplace conflicts. The broad variety of potential conflicts, coupled with the complex internal power dynamics typical of academic settings, demands a flexible and inclusive system design.

2.2 Analysis of the current processes. – Most DSD scholars argue that effective system design must begin with a rigorous and context-sensitive assessment of the existing dispute resolution tools[26]. This involves mapping current mechanisms, identifying known points of friction or failure, and understanding the prevailing culture of conflict management within the setting. Such an assessment enables designers to build upon what already exists, avoid redundancies, and tailor interventions that are both appropriate and sustainable in the specific institutional context.

Previous research has shown that processes currently available at the University of Bologna are characterized for their right-based approach to dispute resolution[27]. A central component of the current dispute resolution framework at the University of Bologna is outlined in Articles 45 to 50 of its *Code of Ethics and Conduct*[28], which establish the procedures and consequences for breaches of standards by each category of members of the community. These provisions delineate a formal, role-based system of accountability of the members of the academic community that reflects a predominantly adjudicative model. Article 45 introduces the general mechanism for reporting violations, which can be submitted in writing to a range of institutional figures, including the Head of Department, the Disciplinary Proceedings Unit, the Confidential Counsellor, the Student Ombudsperson, or the Rector. Subsequent articles differentiate the applicable procedures and sanctions depending on the qualification of the individual involved[29]. Sanctions may range from written reprimands to contract termination, exclusion from institutional roles, or, in the case of students, disciplinary action under the Student Regulations.

[26] Ury et al. (n 10) 20.
[27] Mancuso and Felicetti (n 3) 37.
[28] See for references: <https://normateneo.unibo.it/allegati/codice-etico-e-di-comportamento> (accessed 11 February 2026).
[29] Administrative staff (Art. 46), academic staff and researchers (Art. 47), students (Art. 48), non-tenured teaching and research personnel (Art. 49), or external collaborators and service providers (Art. 50).

Importantly, the procedural framework established in these articles is designed to address mostly vertical disputes between individuals and the institution (such as breaches of duties, misconduct in service, or violations of university policies) rather than horizontal conflicts among peers[30]. The latter may occasionally trigger these formal mechanisms, particularly when they escalate into violations of ethical or disciplinary norms, but they are neither the focus nor the strength of the existing framework. In practice, student-to-student disputes often fall into a grey area: too informal or relational to qualify for formal disciplinary action, yet too impactful to be left unaddressed.

Although the disciplinary procedures for students and staff respect formal guarantees of due process[31], it has been argued that they remain embedded within a top-down, adjudicative logic focused on determining responsibility and issuing sanctions[32]. They do not explicitly provide space for informal problem-solving and they are not focused on joint resolution between parties. Moreover, they are ill-suited to address the broad spectrum of disputes that do not rise to the level of disciplinary breaches but nonetheless generate significant relational tension or dissatisfaction within the university community. From a DSD perspective, the absence of graduated, interest-based mechanisms, particularly at the early stages of conflict, represents a critical gap.

Nonetheless, the University of Bologna has introduced certain institutional figures that reflect, at least in part, the logic of informal and interest-oriented conflict resolution. Notably, the Student Ombudsperson[33]

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[30] Mancuso and Felicetti (n 3) 39-40.

[31] The current processes involve disciplinary committees appointed by the Rector (in the case of student disciplinary proceedings) or by the Academic Senate (for professors and researchers), and are composed of academic members, alongside selected student representatives in the case of student misconduct. For students, the process must be initiated within thirty days of the Rector becoming formally aware of the alleged infraction. It entails notification of the charges, the opportunity to submit written observations, and the right to be heard in person by the disciplinary committee, which deliberates and reaches decisions by majority vote of the members present. Faculty members and researchers are subject to analogous disciplinary procedures, managed by a dedicated panel responsible for assessing infractions such as breaches of professional ethics, academic duties, or institutional rules. As with the student procedure, safeguards are in place to ensure procedural fairness, including the right to be informed of the allegations, to respond in writing, and to appear before the committee to present their case.

[32] Mancuso and Felicetti (n 3) 39-40.

[33] The Student Ombudsman roles' is defined at art. 15 of the University of Bologna Statute. For further references: <https://www.unibo.it/en/university/organisation-and-campuses/university-governing-bodies/student-ombudsman> (accessed 11 February 2026).

and the Confidential Counsellor (*Consigliera di fiducia*)[34] provide accessible, non-adjudicative channels for students and staff to raise concerns and seek support in navigating conflict situations. These actors operate with a degree of independence, offer confidential listening spaces, and promote dialogue-oriented solutions, aligning them with key principles of interest-based design such as early intervention, informal resolution, and relational sensitivity. While a comprehensive analysis of the roles and activities of the Student Ombudsperson and the Confidential Counsellor lies beyond the scope of this chapter, it is important to clarify the procedural nature and limitations of their respective mandates.

In the case of the *Garante*, the intervention is limited to disputes between students and the institution, typically concerning administrative procedures, access to services, or rights within the academic framework. The *Garante* does not facilitate resolution between individual parties but rather functions as a facilitator of institutional compliance and dialogue, focusing on ensuring that students' claims are properly addressed within existing structures. As such, the scope of action of the process administered by the *Garante* is structurally limited to vertical conflicts[35].

The *Consigliera*, by contrast, operates within a broader relational spectrum and may intervene in both vertical and horizontal conflicts within the university community. Her primary function is to offer confidential support, guidance, and informal assistance to individuals (whether students, academic staff, or technical-administrative personnel) who experience or witness conduct that may constitute moral or sexual harassment, discriminatory behavior, or other violations of personal dignity in the academic or workplace environment. The Counsellor may be approached in cases involving different categories of university members (eg. conflict between a PhD candidate and their supervisor) or cases between peers or colleagues. While she does not serve as a formal mediator, the *Consigliera* may assist in clarifying rights, identifying informal avenues for resolution, or facilitating access to formal procedures, when appropriate. However, her mandate is not to manage interpersonal

[34] For further information on the Counsellor role at the University of Bologna: <https://www.unibo.it/it/ateneo/organizzazione-e-sedi/consigliere-di-fiducia-consigliera-di-fiducia> (accessed 11 February 2026).

[35] Some requests fall outside the *Garante's* jurisdiction, including cases that overlap with the role of the Confidential Counsellor (e.g., involving harassment or discrimination), students enrolled at other institutions, or complex disputes involving staff and the University as an employer, often escalating to litigation, cfr. Mancuso and Felicetti (n 3) 42.

disputes in a general sense, but rather to act within a safeguarding and anti-discrimination framework, aimed at preventing and addressing dignity-related violations in alignment with the University's Code of Ethics and related policies. From the perspective of DSD, the *Consigliera* may not offer a dispute resolution process[36], as her role is not centered on guiding parties toward a consensual resolution (although it may occasionally involve facilitating dialogue) nor on adjudicating conflicts. Rather, her intervention is primarily aimed at providing individual support, ensuring institutional compliance with ethical and anti-discrimination standards, and promoting a respectful working and learning environment, rather than enabling structured conflict resolution between the parties.

3. Students' peer mediation as an innovative design choice. – The U.d.r. Project has identified peer mediation as a strategic addition to the University of Bologna's current dispute management system. The integration of the pilot process responds to a currently unmet structural need: the absence of dedicated, interest-based mechanisms for addressing horizontal conflicts among students. As discussed in the preceding sections, the University's existing system is primarily composed of formal and semi-formal rights-based procedures, designed to manage vertical disputes between individuals and the institution. While certain interpersonal issues may fall within the purview of the Confidential Counsellor, her role is focused on remedies for harassment and does not constitute a general-purpose dispute resolution process.

Consequently, there remains a critical gap in the system's capacity to address the types of conflicts that most commonly affect student life, those arising between peers in contexts such as group work, shared accommodation, campus organizations, or daily academic interactions. These conflicts often go unacknowledged, are managed informally with uneven outcomes, or escalate unnecessarily in the absence of structured support. Peer mediation offers a context-sensitive, dialogic process through

[36] The creation of an *ad hoc* figures entrusted with addressing moral and sexual harassment was first encouraged by European institutions through the European Commission Recommendation 92/131 of 27 November 1991, concerning the protection of the dignity of women and men at work, and the European Parliament Resolution A3–0043/94. This recommendation was further reinforced by EU anti-discrimination directives, subsequently transposed into Italian law through Legislative Decree No. 81/2008 on health and safety in the workplace. In this context, the role of the Confidential Counsellor has become increasingly common in universities.

which students can resolve disputes with the support of a trained neutral peer, while also fostering a culture of dialogue, accountability, and mutual respect within the academic community.

In general peer mediation is defined as a "structured process, whereby one or two trained, impartial peers — belonging to the same status and group as the conflict parties — help facilitate dialog between disputants to assist negotiating and, ideally, reaching an agreement"[37]. It is a voluntary and confidential process in which trained individuals assist their peers in resolving conflicts through facilitated dialogue[38]. Peer mediation originated in the educational sector, with structured programs first emerging in U.S. schools during the 1980s, and subsequently expanding across much of the Western world[39]. Initially designed to empower students to resolve interpersonal disputes constructively, the model has since been successfully adapted to a variety of institutional contexts beyond schools, including prisons[40], private sector workplaces, and refugee shelters[41]. These diverse applications demonstrate the process' flexibility. Research has shown that the defining feature of peer mediation is the shared social and experiential proximity between mediator and parties, which increases the accessibility, credibility, and perceived fairness of the process.

Applied in the university context, peer mediation empowers students to take an active role in managing their own disputes, enhancing their agency and fostering a sense of co-responsibility within the academic community. Moreover, the benefits of peer mediation extend beyond conflict resolution: it offers a powerful educational tool for developing key interpersonal competencies such as active listening, empathy, negotiation techniques, and collaborative problem-solving skills.

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[37] H Cremin, *Peer mediation: citizenship and social inclusion revisited* (Open University Press 2007) 29-30.

[38] R Harris, 'Unlocking the Learning Potential in Peer Mediation: An Evaluation of Peer Mediator Modeling and Disputant Learning' (2005) 23 *Conflict Resolution Quarterly*, 141–164.

[39] L M Philipson, 'The Kids Are Not All Right: Mandating Peer Mediation as a Proactive Anti-Bullying Measure in Schools' (2012) 14 *Cardozo Journal of Conflict Resolution*, 81-104; L Gogos, 'Peer Mediation: Equipping Student Leaders With The Ability To Resolve Internal Conflicts' (2020) 21 *Cardozo Journal of Conflict Resolution*, 349–360.

[40] L Kaufer et al., 'Prisoner Facilitated Mediation: Bringing Peace to Prisons and Communities' (2014) 16 *Cardozo Journal of Conflict Resolution*, 187-219.

[41] E Winter et al., 'Psychosocial peer mediation as sustainable method for conflict prevention and management among refugee communities in Germany' (2021) *Conflict resolution quarterly,* 195–210.

From an institutional perspective, integrating peer mediation presents both opportunities and challenges. On the one hand, it aligns with DSD principles such as early intervention and interest-based resolution. It also relieves pressure on formal complaint mechanisms and enhances the university's ability to respond flexibly to a broader spectrum of conflicts. On the other hand, the success of such a system depends on a number of preconditions, including institutional support, clear referral pathways, careful training and supervision of peer mediators, allocation of adequate economic resources and ongoing coordination with existing structures such as the *Student Ombudsperson* and the *Confidential Counsellor*. Additionally, implementing peer mediation requires navigating internal power dynamics and securing legitimacy among stakeholders who may be unfamiliar with or skeptical of informal processes.

Nevertheless, as part of a comprehensive DSD strategy, peer mediation represents a compelling and feasible innovation: it does not only address a presently unmet need within the student population at the University of Bologna but also supports the University's broader mission of cultivating a new culture in conflict resolution. At this stage, the U.d.r. peer mediation program remains in its pilot phase, with ongoing efforts focused on evaluation, refinement, and gradual institutional integration. Preliminary measures have been taken to initiate a dialogue with University bodies and with operators of student accommodations, both in the public and private sectors, to explore future collaboration. These conversations have been met with interest and openness, suggesting fertile ground for expanding the scope and visibility of the service. In parallel, the U.d.r. project is generating valuable empirical data and research outputs, which will inform future versions of the peer mediation process and contribute to the broader discourse on innovative dispute resolution in higher education settings.

3.1 Implementation of the pilot program. – The implementation phase of the U.d.r. pilot program has begun with the development of a training curriculum on peer mediation, specifically designed to address conflicts arising within the student community. This marked a shift in focus from more traditional ADR training models (often oriented toward professional or institutional contexts) to a learning framework grounded in peer-to-peer dynamics typical of university life. The design of the curriculum required the collaboration of experienced mediation trainers and entailed a dual innovation: first, identifying effective pedagogical methods for teaching

peer mediation to university students; second, constructing a peer mediation model tailored to the distinctive features of disputes among university students, highlighting informality, relational proximity, and shared status among parties. Ana Uzqueda's chapter offers a detailed examination of the pedagogical choices underlying the implementation of the training program[42], which to this day has been successfully completed by over 15 students enrolled in different degree programs at the Univeristy of Bologna.

It is equally important to emphasize the design rationale of the peer mediation process itself, particularly through the lens of DSD theory. The process is characterized by ample flexibility, which enables the trained peer mediators to tailor their activities according to the actual needs of participants. It is managed by two co-mediators and a third mediator in the role of reflective observer[43]. This latter figure is a distinctive feature of the model developed within the U.d.r. Project. The observer participates in mediation sessions without intervening directly in the process, but instead provides a formative and meta-reflective function. After each session, the observer offers non-judgmental feedback to the co-mediators, encouraging reflection on the relational and communicative dynamics that emerged, the effectiveness of the strategies used, and the extent to which the process adhered to the ethical and methodological principles of the service[44].

The peer mediation process is designed to ensure accessibility, informed participation, and flexibility in managing interpersonal conflicts among students. It begins with the submission of an online request form by the initiating student, followed by a preliminary individual information session with three peer mediators. During this session, the student receives detailed information about the nature, scope, and purpose of peer mediation and is invited to clarify the circumstances that led them to seek support. A corresponding informational meeting is then offered to the other party

[42] The training model developed for the peer mediator curriculum includes 20 hours of instruction based on the Harvard model, enriched with elements from the circular and transformative approaches. It emphasizes conflict mapping skills, including both objective facts and subjective perceptions, identification of party interests, and familiarity with conflict types most frequently occurring within the academic community.

[43] For application of the model see: JK Moore, 'The reflective observer model' (2014) 31 *Conflict Resolution Quarterly*, 403-417.

[44] As noted by Uzqueda, this structured feedback moment fosters critical self-awareness and supports the continuous development of the mediators' competencies. Importantly, each trained student rotates between the roles of co-mediator and reflective observer, ensuring that every experience serves as a dual opportunity for growth, both in practicing mediation and in learning through observation and reflection.

involved in the conflict, following initial contact, which may be made either directly by the initiating student (if they opt for a personal approach) or by the mediators through a formal email communication outlining the nature and purpose of the peer mediation process. In both cases, the process advances only upon the voluntary and informed consent of all parties involved.

Once both parties have participated in their respective information sessions and expressed willingness to proceed, the mediation process formally begins with a joint (plenary) session, during which each party is invited to present their perspective in a structured and respectful setting. If needed, separate sessions may follow to allow for more private discussion, either at the request of one party or at the discretion of the mediators. In the event that the parties reach an agreement, the mediators may assist in drafting a written record of the terms, which is finalized and signed by both sides. The process is designed to promote autonomy, mutual understanding, and voluntary resolution, while remaining attentive to the emotional dynamics and communication needs of student participants.

If the other party declines to participate in the mediation process or does not respond, the initiating student is offered the opportunity to engage in conflict coaching[45]. This individual support pathway, facilitated by trained peer mediators, is designed to help the student better understand the dynamics of his or her conflict, reflect on their own interests and needs, and develop communication strategies for future interactions with other parties. Even in the absence of a joint resolution, conflict coaching ensures that the student can still derive meaningful insight and agency from the process.

A substantial reflection has been undertaken on the scope of application of the peer mediation process, with the aim of clearly identifying the types of disputes among students for which this mechanism is most suitable within the university context. The process is specifically designed to address interpersonal conflicts, which include tensions related to group work, misunderstandings in academic or extracurricular collaborations, and, importantly, conflicts in shared living environments. In this regard, we envisage a particular relevance of peer mediation for students residing in public or private accommodations and university dormitories. This understanding of the process's scope is not merely theoretical but has been

[45] N Geist Giacomini and P Porter, 'The Art Of Coaching: Transferring Interpersonal and Group Conflict Resolution Skills to a One-on-One Setting' in Meyer Schrage and Giacomini (n 24), 144.

empirically supported through a student survey, the findings of which are discussed in the chapter by Mancuso. The data indicates that students encounter relational tensions or under-recognized conflicts and perceive a lack of appropriate mechanisms for managing such conflicts constructively. These insights have informed the procedural design and confirm the need for accessible, interest-based pathways for dispute resolution within the student community. Defining the scope of peer mediation in this way has been essential not only for ensuring procedural coherence but also for reinforcing the service's legitimacy and responsiveness to actual student needs.

Once the process is initiated, in cases where the issue raised falls outside the scope of peer mediation (e.g. when the conflict involves discrimination or involves a complaint directed toward the institution or one of its organs), the mediators may suggest referral to the appropriate institutional actors, such as the Student Ombudsperson or the Confidential Counsellor, with whom the U.d.r. Project has established channels of coordination. These interactions are managed with strict respect for confidentiality and with the aim of ensuring that students are supported through the most appropriate mechanisms available within the university's ecosystem.

3.2 Rules and Code of Ethics. To ensure procedural clarity, transparency, and accountability, the peer mediation process has been formalized through two foundational documents: the Rules for the Peer Mediation Service for Students of the University of Bologna (*Regolamento del servizio pilota di mediazione tra pari per studenti dell'Università di Bologna*) and the Code of Ethics for Peer Mediators (*Codice etico per i mediatori tra pari*)[46]. Both texts are publicly available on the U.d.r. Project website. These documents not only delineate the structure, scope, and procedural stages of the mediation process, but also codify the core values on which the service is based (i.e., voluntariness of the process, confidentiality, and impartiality of mediators). Significantly, both the Rules and the Code of Ethics were co-drafted in collaboration with the trained student mediators, adopting a participatory and co-design approach that reflects the U.d.r. Project's broader commitment to shared responsibility, inclusivity, and experiential learning.

The Rules open by defining the purpose of the service, framing peer mediation as a voluntary and consensual mechanism aimed at preventing

[46] Both documents are published in their original Italian version as an appendix to the first part of this Volume.

and managing interpersonal conflicts among students, rather than as an alternative disciplinary pathway (art. 1). This orientation clearly situates mediation within an educational and restorative logic, emphasizing dialogue, responsibility, and mutual recognition. The scope of application is then delineated, limiting mediation to conflicts arising within the student community and explicitly excluding matters that fall under disciplinary, administrative, or judicial procedures, thereby avoiding jurisdictional overlap and reinforcing the complementary role of mediation within the university's broader dispute resolution ecosystem (art. 2).

The voluntary nature of mediation is expressly reaffirmed through a provision that guarantees the parties' freedom to participate and to withdraw from the process at any stage, without prejudice or negative consequences (art. 3). This article plays a crucial role in safeguarding party autonomy and fostering trust, particularly in a peer-to-peer setting where power imbalances may be subtle but still present. Access to the service is regulated in a manner consistent with these principles, providing for an informal and easily accessible request procedure that minimizes bureaucratic barriers and encourages early engagement with mediation as a preventive tool (art. 4).

The second part of the Rules translates these foundational principles into concrete organizational and procedural arrangements. The institutional structure of the service and the role of the coordinating body are clarified, with responsibilities relating to oversight, case management, and support for mediators, ensuring accountability while preserving the non-hierarchical and peer-based nature of the service (art. 5). Particular attention is devoted to the selection and training of peer mediators, which are regulated through explicit criteria and mandatory training requirements, underscoring the importance of competence, awareness of ethical standards, and continuous learning (art. 6). This provision bridges the educational mission of the project with the need for procedural reliability.

Impartiality is operationalized through rules governing the appointment of mediators, which require the absence of conflicts of interest and allow for adjustments where neutrality might reasonably be questioned (art. 7). The conduct of the mediation procedure is then outlined in flexible terms, identifying its main phases while deliberately avoiding rigid formalism, thus allowing mediators to adapt the process to the needs of the parties and the nature of the conflict, in line with an interest-based approach (art. 8).

Confidentiality is enshrined as a cornerstone of the service, binding mediators and participants alike and fostering a safe space for open communication; at the same time, its limits are clearly defined to balance trust in the process with institutional responsibilities (art. 9). Finally, the Rules regulate the conclusion of the mediation, identifying possible outcomes—such as agreement, withdrawal, or termination—without attributing binding legal effects to mediated solutions, thereby preserving the consensual and non-adjudicative character of the process (art. 10).

The Code of Ethics complements this regulatory framework by articulating the ethical duties that guide mediators' conduct throughout all stages of the process, including impartiality, independence, confidentiality, respect for the parties, and responsibility toward both the participants and the university community. Read together, the Rules and the Code of Ethics form an integrated normative framework that balances procedural clarity with flexibility, institutional oversight with peer autonomy, and dispute resolution objectives with the educational and formative aims of the U.d.r. Project.

4. The first peer mediation case and some (preliminary) conclusions. – At the time of writing, the first case was handled within the framework of the newly established peer-to-peer mediation service at the University of Bologna. Initiated even before the official launch and public promotion of the service, the case reflects an early and spontaneous receptiveness to the model among students and offers valuable insight into how such a process responds to an existing need within the university's broader dispute management system.

The conflict involved a personal loan between two students and was activated through a request to the U.d.r. Project's email address. The requesting party was invited to a preliminary information session, where she was informed about the principles and structure of peer mediation and supported in articulating both the facts of the situation and her expectations. During the session, the peer mediators provided a structured and empathetic space in which the student could express the emotional strain she had experienced, that had begun to affect her academic focus and had ultimately required the support of her family.

In line with the voluntary nature of the process, the mediation did not proceed, as the other party did not respond to the outreach efforts made by the mediators. Nonetheless, the requesting student benefited from the

initial session, describing it as helpful in allowing her to reflect on the conflict and expressing that it supported her in emotionally processing the situation and moving forward.

This early experience underscores the importance of accessibility and support, even in cases where mediation does not result in a joint session. It highlights the role of peer mediation not only as a resolution tool but also as a space for recognition, clarification, and self-reflection. Peer mediation offer the opportunity for the University of Bologna to tackle interpersonal disputes between students that fall outside the scope of existing dispute resolution processes. From a DSD perspective, the described case illustrates the relevance and appropriateness of peer mediation in managing low-intensity but high-impact conflicts that fall outside the reach of formal university structures, yet carry significant weight for student well-being and academic focus.

ABSTRACT: Academic communities generate frequent interpersonal conflicts, yet dispute resolution mechanisms within universities often remain fragmented and underutilized. This paper examines how Dispute System Design (DSD) principles can enhance conflict management in academia, with a focus on the University of Bologna. It presents students' peer mediation as an innovative design choice, analyzes the implementation of the U.d.r. pilot program, and discusses the role of the co-drafted Rules and Code of Ethics. The paper concludes with preliminary reflections drawn from the first pilot case, highlighting the potential of peer mediation to improve access, trust, and conflict competence within universities.