APPLICATION, Cont.

Conflict on Campus: Nature of the Problem, Cont.

on a daily level, people have been more wiling to fight about the issues on campus that affect them.

What sets campus conflict apart from society? Does anything set it apart?

> "Universities are set apart from other organizations by their member's belief that institutions of higher education are more than schools — they are academic 'communities.' There is an implicit assumption that the goals of such communities and the instructional process they foster should transcend some of the internal struggles that characterize other organizations or work places." (Folger & Shubert, *"Resolving Student-Initiated Grievances in Higher Education: Dispute Resolution Procedures in a Non-Adversarial Setting,"* NIDR Reports, number 3, 1986. Citing McCarthy, 1980).

Use of alternative conflict management systems at the university level not only improves communication and streamlines conflict management, the skills that students (and faculty and staff) can learn from these processes can stay with them for life. Campuses must maintain the highest level of collegiality in order to be safe places for the exploration of ideas and constructive debate. Since conflict is inevitable, the question is how best to resolve it.

APPLICATION, Cont.

Dispute Processing on Campus

While significant advances to institute informal means of resolving disputes have been made in the business sector and the legal community, the implementation of alternative dispute resolution methods in resolving campus disputes had been slow and, in some institutions, nonexistent. There are a variety of dispute resolution mechanisms that can be utilized on campus for the myriad of disputes found there.

Ombuds

The concept of an ombudsman originated in Sweden (the word means "representative of the people" in Swedish) in the 18th century. It has evolved into many different meanings in different parts of the world and different sectors of life, including government, business, and schools. There are at least 100 colleges and universities in the United States with ombuds programs (Stieber, *"Resolving Campus Disputes: Notes of a University Ombudsman,"* The Arbitration Journal, vol. 37, no. 2, June 1982). Generally, an ombuds on a university or college campus handles complaints and grievances of faculty, staff, and/or students. The ombuds is not necessarily a neutral in a dispute since the role of the ombuds sometimes means championing the cause of one side in a disagreement. The ombuds can also choose among available remedies, sometimes creating new solutions that are workable to both parties. Or the ombuds may decide to mediate the case or refer it to mediation on campus. In some instances, the ombuds may turn the dispute over to another entity on campus.

Mediation

Mediation is a process in which a neutral facilitates settlement discussions between parties. The neutral has no authority to make a decision or impose a settlement upon the parties. The neutral attempts to focus the attention of the parties upon their needs and interests rather than upon rights and positions. The process is voluntary and confidential.

There are a number of different ways that mediation has been used on campus, but the two approaches which have gained relatively wide acceptance are peer mediation programs and campus mediation centers, which may or may not use peer mediators.

APPLICATION, Cont.

Dispute Processing on Campus, Cont.

Mediation, Cont.

Peer mediation is a process where professionally trained student mediators help other students work through conflict. Peer mediation programs may be totally student operated, or they may receive some assistance from university administration. Usually a staff or faculty advisor with some experience in mediation oversees the development of the program and gathers a group of students to be trained who will constitute the core of volunteers to support the program. Peer mediation programs provide a wonderful training ground for students, enhancing their conflict resolution skills and teaching them a new process. They can also provide a vehicle for campus education and outreach, where peer mediators speak to campus organizations about the benefits of the program and about conflict resolution.

Another approach to using mediation on campus is to create a separate office or center offering mediation services for students. Usually a campus mediation center is staffed by one or more conflict management professionals who coordinate the office, conduct intake sessions and mediate the disputes that they deem appropriate. Often, these programs are established as a joint effort between two administrative sectors or an academic department and student affairs. Questions of credibility that may arise with a peer mediation program seem to be less frequent with a campus mediation center. Also, the staff of a campus mediation center may be better equipped to provide training and education around campus, eventually leading to the involvement of faculty, staff and students as mediators.

Formal Grievance Procedures

Historically, institutions of higher education have relied exclusively on formal mechanisms of dispute resolution. These formal procedures have included hearing panels, judicial boards and student conduct committees. Although there are certainly situations where these formal procedures are needed, formal processes usually do not allow for resolution of the underlying dispute which may have caused the behavior that led to the grievance. Usually, the student judicial process is adversarial, with emphasis on due process and student rights. Often, it results in a feeling of alienation among the participants.

APPLICATION, Cont.

Dispute Processing on Campus, Cont.

Formal grievance procedures, Cont.

Some grievance procedures are used in conjunction with a code of student conduct whereby anyone on campus can file a complaint against a student who has breached some provision of the code. The student will then usually have to respond to the charges before a panel that may be composed of faculty members, administrators and/or student representatives. In some instances, the panel or board renders a final decision. In others, the panel or board acts in an advisory capacity, making a recommendation to a dean, vice president or president, who makes a final decision based on the panel's advice.

Formal grievance procedures also differ from institution to institution in the extent to which they follow quasi-judicial procedures and practices. Some boards or panels may allow attorneys to be present at the hearing, while others do not. Some follow, although quite loosely, rules of evidence, others do not. Most schools have separate grievance procedures for faculty, staff and students.

Arbitration

Arbitration involves an independent third party to resolve a dispute. The third party hears both sides of the problem, then decides what the solution ought to be. The process is called binding arbitration if the third party can apply sanctions for failure to accept or abide by the decision. It is called non-binding or advisory when the arbitrator does not have any special enforcement powers. Most often, formal grievance procedures use a process that resembles arbitration without calling it by name. It is less formal than litigation, but often resembles it in many other ways.

APPLICATION, Cont.

Conflict Management Models from a Variety of Educational Institutions in the United States

Overall, the conflict management systems of campuses around the country share few universal characteristics. An examination of dispute resolution procedures garnered from universities and colleges throughout the United States reveals a variety of dispute resolution systems in place. These systems, however, can be categorized into models: adjudicative, ombudsing, and conciliatory. Some schools have combined two (or even all three) of these models, and in rare instances created what can be termed a multi-door approach to conflict resolution on their campuses. However, the use of adjudicative procedures is by far the most common means of resolving conflict on campuses around the country.

In this section, we would like to share with you some of the possibilities for conflict resolution models by explaining briefly how other campuses around the nation are handling conflict on their campuses (see Appendix). Schools will be separated into discussion sections based on their primary methods of conflict resolution, but since many schools are using several different procedures, some discussion may overlap from one model to the next.

A review of the systems described in the Appendix demonstrates that an integrated model should be the goal for any campus program. An effective strategy for resolving conflict on campus will include:

- Dispute prevention programs;
- Informal options for the disputants to work out their dispute;
- Formal proceedings, as a last resort (which are probably already in place on each campus).

The Initiative and Policy Direction on Conflict Resolution states that the conflict resolution programs to be implemented by the universities and colleges in Georgia under the Initiative "should complement, not undermine, existing decision-making processes and make existing structures of authority more, not less, effective."

APPLICATION, Cont.

Conflict Management Models from a Variety of Educational Institutions in the United States, Cont.

Adjudicative Models

Most campuses formally recognize only one dispute processing mechanism, a formal grievance procedure. Although informal resolution by the student is usually encouraged on these campuses, the first step beyond informal, student-initiated attempts at resolution is formal adjudication.

Examples of schools that use an Adjudicative Model are: (see Appendix for further detail)

- *Portland State University*
- *Siena College (New York)*

The Conciliatory Model

Mediation is a conciliatory model of dispute resolution in which the parties in dispute turn to a neutral third person to listen to their concerns and facilitate communication between them. The neutral mediator assists the parties in identifying interests and needs and then guides the parties in generating options for solutions to satisfy those interests and needs. The process is voluntary, confidential and allows for self-determination of the parties. The mediator does not render a decision. The parties craft their own resolution to their dispute.

Examples of schools that use a Conciliatory Model are: (see Appendix for further detail)

- *Syracuse University (Syracuse, New York)*
- *Penn State University*
- *James Madison University (Virginia)*
- *Oberlin (Ohio)*

APPLICATION, Cont.

Conflict Management Models from a Variety of Educational Institutions in the United States, Cont.

The Ombudsing Model

There are four possible models for ombudsing in the university setting. First, several universities utilize a corollary function model for ombudsing services. In other words, a school may have a person who acts as an ombuds as a corollary function to their regular job at the school. There are a range of options for this model, including professors with reduced class loads, part-time external consultants, multiple conflict resolution resources, and special assistants to the President. Second, some schools have a free-standing independent Office of the Ombuds. This allows for the ombuds to be perceived as neutral, allows for larger caseloads, and lowers the concerns surrounding possible conflicts of interest. This model requires a commitment of establishing a separate office, hiring personnel, and creating an operational budget. Third, there may be multiple internal sources of dispute resolution (i.e., each college of the university has a designated ombuds who serves in that capacity perhaps 1/4 or ½ of his/her time). The rationale for this design is to provide a more integrated system of conflict resolution. Selection of ombuds, training, and coordination of individuals is a consideration. Independence and impartiality of such individuals is a critical issue in this model. Finally, although not in use in the university setting, a university could hire an ombuds external to the university as a consultant.

Examples of schools that use an Ombudsing Model are: (see Appendix for further detail)

- *Northern Illinois University*
- *Massachusetts Institute of Technology (MIT)*
- *Michigan State University*
- *Florida Atlantic University*
- *Arizona University*
- *U.C.L.A.*

The Multi-Door Approach

Examples of schools that use a Multi-Door Approach are: (see Appendix for further detail)

- *Texas A&M University (College Station, Texas)*
- *North Central College (Naperville, Illinois)*

IMPLEMENTATION

The elements of an implementation plan include:

- Getting commitment from senior administration
- Educating all the stakeholders about conflict management
- Designing an inclusive planning process
- Developing an infrastructure to support conflict resolution program
- Creating a marketing plan
- Identifying priorities and time lines
- Develop written policy and procedures encouraging use of conflict resolution program

Often implementation focuses on two overlapping issues - marketing and infrastructure. Stakeholders must be familiar and comfortable with the system if it is to be accepted and successful. If the planning process has been inclusive and open to input, there will be an easier "buy-in" and less marketing required. Since a large portion of campus populations is transient, on-going marketing of the program is important. Issues pertaining to developing infrastructure revolve around organizational structure, funding, and skills training.

IMPLEMENTATION, Cont.

Ideas for Marketing

Consider printing and disseminating brochures, posters, pay-check stuffers, using campus newsletter, sponsoring kick-off events, holding hall meetings, conducting presentations at faculty and staff orientations, at departmental meetings, faculty senate, staff advisory councils, etc., and other activities that raise the visibility of program. Cultivate champions on your campus who are willing to "talk it up" in their respective departments.

Ideas for Training

$E=mc^2$ is CNCR's program for bridging theory and practice in conflict resolution. Participants are exposed to proven innovations of respected theorists and the invaluable experience of practitioners. $E=mc^2$ faculty conduct exciting and enjoyable interactive learning experiences. Participants come away with hands-on, practical tools and techniques for conflict management and dispute resolution. In order to assist you and your campus, $E=mc^2$ offers consultation and training in the following areas of conflict management:

- Negotiation
- Mediation
- Consensus Building
- Facilitation
- Conflict Management Systems Design
- Collaborative Problem solving
- Dealing with Difficult People
- Effective Communication

$E=mc^2$ also designs specially tailored programs to meet the needs of your institution.

IMPLEMENTATION, Cont.

Constructing Pilot Projects

The selection of an appropriate Conflict Resolution pilot will be influenced largely by the institution's needs and strategic plan. The following guidelines have been extracted from *Operational Aspects of Designing Dispute Resolution Systems, Dispute systems Design Working Group, Administrative Conference of the United States, February, 1994.*

- Identify goals of the pilot
- Assess existing dispute resolution system(s)
- Determine what a "successful" pilot would be
- Select a pilot that is likely to succeed
- Select a pilot that is central to the institution's mission
- Determine the type of conflict resolution for resolving disputes
- Examine statutes and regulations to see whether there are any legal impediments to the proposed pilot
- Design the pilot

Guidelines for the pilot design phase:

- Don't reinvent the wheel
- Decide at what stage of the dispute to offer conflict resolution
- Determine criteria for selecting pilot cases
- Consider from the outset how the pilot will be evaluated
- Prepare and educate participants
- Develop any forms needed
- Identify neutrals
- Determine budget
- Consider offering incentives in order to encourage maximum participation
- Market the pilot

EVALUATION

This section discusses monitoring, evaluation, and modification of a conflict management system. CNCR, in conjunction with the ADR liaisons, is developing evaluation instruments for the University System. Please include these instruments in the pocket folder on the following page.

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA
ADR ADVISORY COMMITTEE

Dr. Valerie Epps
Chairperson, Learning Support Division
Atlanta Metropolitan College
1630 Metropolitan Parkway
Atlanta, GA 30310
(404) 756-4016
fax: (404) 756-4844
vepps@atlm.edu

Mr. Dexter L. Fisher
Head of Building Services
Physical Plant Division
Chicapee Complex
The University of Georgia
Athens, GA 30602
(706)- 542-7366
fax: (706)- 542-7630
dfisher@uga.edu

Mrs. Elizabeth E. Neely
Associate Vice Chancellor for Legal Affairs
Board of Regents of the University System of Georgia
270 Washington Street, S. W.
Atlanta, GA 30334
(404) -656-2221
fax: (404) -657-7913
betsey.neely@usg.edu

Ms. Ansley Barton
Kennesaw State University
Professor and Director
Conflict Management Program
1000 Chastain Road
Kennesaw, GA 30144
(770)-423-6115
fax: (770) 423-6312
abarton@kennesaw.edu

Mrs. Linda Nelson
Assistant VP
Opportunity Dev. & Affirmative Action
Georgia State University
University Plaza
Atlanta, GA 30303
(404)- 651-2567
fax: (404)- 651-1598
afaljn@langate.gsu.edu

Ms. Diane Kirkwood
Georgia Southwestern State University
Director of Human Resources
Affirmative Action Officer
Administration Building, Room 108
800 Wheatley Street
Americus, GA 31709
(229)- 931-2009
fax: (229)- 931-2810
dlk2@canes.gsw.edu

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA
ADR ADVISORY COMMITTEE, Cont.

Dr. Donald R. Wagner
Dean, Honors College, Director, Special Programs
Professor of Political Science
State University of West Georgia
Honors House
Carrollton, GA 30118
(770) - 836-6636
fax: (770) -836-4666
dwagner@westga.edu

Mrs. Lin Inlow
Director of Conflict Resolution and Training
Georgia State University
College of Law
140 Decatur Street
Atlanta, GA 30303
(404) 651-0344
fax (404) 463-9789
linlow@gsu.edu

Mr. John H. Schultz
Employee Relations Manager
Georgia Institute of Technology
Department of Human Resources
955 Fowler Street
Atlanta, GA 30332
(404) 385-0035
fax: (404) 894-1235
john.schultz@ohr.gatech.edu

Dr. Terry Norris
Associate VP for Academic Affairs
Director of Judicial Affairs & SACS Liaison
Columbus State University
4225 University Ave., HC 221
Columbus, GA 31907
(706) -568-2320
fax: (706) -565-4089
norris_terry@colstate.edu

Dr. Raymond A. Whiting
Professor of Political Science
Augusta State University
2500 Walton Way
Augusta, GA 30904
(706) -737-1710
fax: (706) -667-4116
rwhiting@aug.edu

Dr. Peter J. Shedd
Professor of Legal Studies
Insurance, Legal Studies & Real Estate
University of Georgia
Terry College of Business
Athens, GA 30602
(706) 542-3804
fax (706) 542-4295
pshedd@uga.edu

CONSULTANTS TO THE ADR STEERING COMMITTEE

Mr. Douglas H. Yarn, Asst. Professor
Executive Director, CNCR
Georgia State College of Law
P.O. Box 4037
Atlanta, GA 30302-4037
(404) 651-2147
fax: (404) 651-2092

ADR LIAISONS

Abraham Baldwin Agricultural College
Ms. Bertha Daniel
Abraham Baldwin Agricultural College
2802 Moore Highway
Tifton, GA 31794
bdaniel@c.abac.peachnet.edu
Phone: 229-386-7232
Fax: 229-386-7339

Armstrong Atlantic State University
Dr. John Kraft
Psychology Department
Armstrong Atlantic State University
11935 Abercorn St.
Savannah, GA 31419-1997
kraftjoh@mail.armstrong.edu
Phone: 912-921-2084
Fax: 912-921-2389

Augusta State University
Mr. Don O'Neal
Director of Personnel
Augusta State University
2500 Walton Way
Augusta, GA 30904
doneal@aug.edu
Phone: 706-737-1763
Fax: 706-667-4152

Albany State University
Ms. Adria Nobles Kimbrough
Albany State University
504 College Drive
Albany, GA 31705
anobles@asurams.edu
Phone: 229-430-4660
Fax: 229-430-3935

Atlanta Metropolitan College
Dr. Valerie Epps
Chair, Learning Support
Atlanta Metropolitan College
1630 Metropolitan Pkwy, SW
Atlanta, GA 30310-4498
vepps@atlm.edu
Phone: 404-756-4016
Fax: 404-756-4844

Bainbridge College
Joseph Miller
Interim VP Director of Student Affairs
Bainbridge College
2500 East Shotwell Street
Bainbridge, GA 39819
jmiller@bainbridge.edu
Phone: 229-248-2506
Fax: 229-248-2513

Clayton College and State Unversity
Dr. Donna McCarty
Clayton College and State University
5900 North Lee Street, G110J
Morrow, GA 30260
donnamccarty@mail.clayton.edu
Phone: 770-961-3467/3460
Fax: 770-960-4335
and
Terri Taylor-Hamrick
Office of Development
Clayton College and State University
5900 North Lee Street
Morrow, GA 30260
TerriTaylor-Hamrick@mail.clayton.edu
Phone: 770-960-4221
Fax: 770-960-4315

Coastal Georgia Community College
Tom Hoffacker
Director of Human Resources
Coastal Georgia Community College
3700 Atlama Ave.
Brunswick, GA 31520-3644
hoffack@cgcc.edu
Phone: 912-264-3014
Fax: 912-280-1543

ADR LIAISONS, Cont.

Columbus State University
Tim Howard
Chair of the Math Dept
Columbus State University
4225 University Ave
Columbus, GA 31907-5645
thoward@colstate.edu
Phone: 706-568-2172
Fax: 706-565-4089

Dalton College
Dr. John Hutcheson (Acting ADR)
VP for Academic Affairs
Dalton College
213 N. College Dr.
Dalton, GA 30720
jhutcheson@em.daltonstate.edu
Phone: 706-272-4421
Fax: 706-272-4588

Darton College
Mr. Ron Henry
Vice President for Business and
Financial Services
Darton College
2400 Gillionville Road
Albany, GA 31707-3098
henryr@darton.edu
Phone: 229- 430-6700
Fax: 229- 430-2926

East Georgia College
Carol L. Bray
Head Librarian
East Georgia College
131 College Circle
Swainsboro, GA 30401
cbray@ega.edu
Phone: 478-289-2088
Fax: 478-289-2089

Floyd College
Dr. Judy Sims
Professor, Business Administration
Floyd College
P.O. Box 1864
Rome, GA 30162-1864
jsims@mail.floyd.edu
Phone: 706- 295-6312
Fax: 706-295-6610

Fort Valley State University
Mr. Dwayne Crew
Director, Personnel Services
Fort Valley State University
P.O. Box 4531
Fort Valley, GA 31030-3298
crewd@mail.FVSU.edu
Phone:478-825-6301
Fax: 478-825-6115

ADR LIAISONS, Cont.

Gainesville College
Wendy Thellman
Director of Continuing Education
Public Service
Gainesville College
P.O. Box 1358
Gainesville, GA 30503
wthellman@gc.peachnet.edu
Phone: 770- 718-3845
Fax: 770-718-3708

Georgia College and State University
Quintus Sibley, Esq.
Director of Legal Affairs
Georgia College and State University
Campus Box 041
Milledgeville, GA 31061
qsibley@mail.gcsu.edu
Phone: 478-445-2037
Fax: 478-445-2049

Georgia Institute of Technology
Dr. Jean Fuller
Director of Faculty & Staff Support Services
Georgia Institute of Technology, OHR
955 Fowler St.
Atlanta, GA 30332-0435
Jean.Fuller@ohr.gatech.edu
Phone: 404-894-9411
Fax: 404-894-4691

Georgia Perimeter College
Ms. Karen Truesdale
Department of Human Resources
Georgia Perimeter College - South Campus
3251 Panthersville Rd.
Decatur, GA 30034
ktruesda@gpc.edu
Phone: 404-244-5753
Fax: 404-244-5744

Georgia Southern University
Mr. Kenneth Manwaring
Office of Human Resources
Georgia Southern University
P.O. Box 8104
Statesboro, GA 30460
klmanwar@gasou.edu
Phone: 912-681-5374
Fax: 912-681-0325

Georgia Southwestern State University
Ms. Diane Kirkwood
Director of Human Resources
Georgia Southwestern State University
800 Wheatley St.
Americus, GA 31709-4693
dlk2@canes.gsw.edu
Phone: 229-931-2000
Fax: 229-931-2810

ADR LIAISONS, Cont.

Georgia State University
Bernadette W. Hartfield, Esq.
College of Law
Georgia State University
P.O. Box 4037
Atlanta, GA 30302-4037
bhartfield@gsu.edu
Phone: 404-651-2056
Fax: 404-651-4155
and
Ms. Donna Williams
Office of the Ombudsperson
One Park Place South
University Plaza
Atlanta, GA 30303
acaddw@langate.gsu.edu
Phone:404-651-1706
Fax:404-463-9792

Gordon College
Dr. Peter Boltz
Humanities Division
Gordon College
419 College Dr.
Barnesville, GA 30204
pboltz@gdn.edu
Phone: 770-358-5257
Fax: 770-358-5191
and
Ms. Debbie Conaway
419 College Dr.
Barnesville, GA 30204
dconaway@gdn.edu
Phone: 770-358-5086
Fax: 770-358-5064

Kennesaw State College
Dr. Dorothy H. Graham
Director of Ombuds/Professor of English
Kennesaw State University
Mail Box 2701
1000 Chastain Rd.
Kennesaw, GA 30144-5591
dgraham@kennesaw.edu
Phone: 770-423-6112
Fax: 770-423-6524

Macon State College
Dr. Harriet Ross-Jardine
Macon State College
Psychology
100 College Station Drive
Macon, GA 31206
hjardine@mail.maconstate.edu
Phone: 478-471-5757
Fax: 478-471-5756

Medical College of Georgia
Andrew Newton, Esq.
Assistant Legal Advisor
Office to the Legal Advisor to the President
Medical College of Georgia
1120 15th Street, Room AA-21
Augusta, GA 30912
anewton@mail.mcg.edu
Phone: 706-721-4018
Fax: 706-721-8014

Middle Georgia College
Lisa Chastain
Personnel
Middle Georgia College
1100 Second Street, SE
Cochran, GA 31014
lchastain@mgc.edu
Phone: 478-934-3082
Fax: 478-934-3199

ADR LIAISONS, Cont.

North Georgia College and State University
Dr. Mac Martin
Office of Student Counseling
North Georgia College and State University
Dahlonega, GA 30597
mmmartin@ngcsu.edu
Phone: 706-867-1819
Fax: 706-867-2795

Savannah State College
Dr. Behrooz Kalantari
Savannah State University
Policy Science Department
3219 College Street
Savannah, GA 31404
kalantab@savstate.edu
Phone: 912-691-6838
Fax: 912-353-3299

South Georgia College
Dr. Carl B. McDonald
Div. of Dev. Studies & Humanities
South Georgia College
100 W. College Park Dr.
Douglas, GA 31533-5098
cmcdon@sga.edu
Phone: 912-383-4294
Fax: 912-389-4052

Southern Polytechnic State University
Ms. Regenia Doyle
Director of Career and Counseling Center
Southern Polytechnic State University
1100 South Marietta Parkway
Marietta, GA 30060
rdoyle@spsu.edu
Phone:770-528-7391
Fax:770-528-7161

State University of West Georgia
Dr. Jane McCandless
Sociology/Anthropology
State University of West Georgia
1600 Maple Street
Carrollton, GA 30188
jmccandl@westga.edu
Phone: 770-836-3010
Fax: 770-838-3036
and
Diane Smith
State University of West Georgia
The Graduate School
Carrollton, GA 30118
ldsmith@westga.edu
Phone: 770-830-2300
Fax: 770-830-2301

ADR LIAISONS, Cont.

University of Georgia
Arthur H. Leed, Esq.
Office of Legal Affairs
University of Georgia
203 Lustrat House
Athens, GA 30602
aleed@uga.edu
Phone: 706-542-0006
Fax: 706-542-3248

Valdosta State College
Dr. Stephen Childs
Office of the Vice President
Valdosta State University
1500 N Patterson Street
Valdosta, GA 31698
smchilds@valdosta.edu
Phone: 229-249-4975
Fax: 229-333-7400

Waycross College
Dr. Ellen Burleson
Developmental Studies
Waycross College
2001 S. Georgia Parkway
Waycross, GA 31503
burleson@waycross.edu
Phone: 912-285-6140
Fax: 912-287-4909

CONSORTIUM ON NEGOTIATION AND CONFLICT RESOLUTION

The Consortium on Negotiation and Conflict Resolution (CNCR) is a program of Georgia Universities established to study the causes, dynamics and resolution of multi-party conflicts. The Consortium focuses on these issues through its International, Public Policy and Organizational Programs.

Through the three major program areas, the Consortium seeks to advance the theory and practice of negotiation and dispute resolution. The major activities of the consortium include supporting individual and joint research, convening quarterly research symposia, sponsoring conferences, developing educational case materials and training exercised, encouraging the study of negotiation of dispute resolution through teaching and training, and interacting with academics and professionals in dispute resolution.

CNCR Staff

Carolyn Benne
Director, CNCR
Georgia State University
cbenne@gsu.edu
Phone: 404-651-1588
Fax: 404-463-9789

Lin Inlow
Director of Conflict Resolution Education and Training, CNCR
Georgia State University
linlow@gsu.edu
Phone: 404-651-0344
Fax: 404-463-9789

Douglas Yarn
Executive Director, CNCR
Georgia State University
dyarn@gsu.edu
Phone: 404-651-2147
Fax: 404-463-9789

Gregory Todd Jones
Senior Research Fellow, CNCR
Georgia State University
gjones@quantlaw.com
Phone: 404-651-2377
Fax: 404-463-9789

Diadra Dorsey
Administrative Coordinator, CNCR
Georgia State University
lawdgd@langate.gsu.edu
Phone: 404-651-0744
Fax: 404-463-9789

CONSORTIUM ON NEGOTIATION AND CONFLICT RESOLUTION, Cont.

CNCR Executive Committee

Dorinda Dallmeyer
Dean Rusk Center for International and Comparative Law
University of Georgia
227 Rush Hall
Athens, GA, 30602
dorindad@arches.uga.edu
Phone: 706-542-5141
Fax: 706-542-7822

Michael Elliot
College of Architecture
City and Regional Planning Program
Georgia Institute of Technology
245 4th Street
Atlanta, GA. 30332-0155
michael.elliott@arch.gatech.edu
Phone: 404-894-9841
Fax: 404-894-1628

Peter Shedd
Professor of Legal Studies
Insurance, Legal Studies & Real Estate
University of Georgia
Terry College of Business
Athens, GA 30602
Phone: 706-542-3804
Fax: 706-542-4295
pshedd@uga.edu

RESOURCES

ADR ON THE INTERNET

Listserv conversation groups:

Dispute-res based out of Cornell's law school

Send message

SUBSCRIBE DISPUTE-RES <first name> <last name>

to listserv @fatty.law.cornell.edu

You will receive a message confirming that you are added to the list.

University conflict resolution (ccrnet)

Send message

SUBSCRIBE CCRNET first name last name

to listproc@pulsar.acast.nova.edu

You will receive a message confirming that you are added to the list.

PEACE

Send message

SUBSCRIBE PEACE <your name>

to listproc@csf.colorado.edu

You will receive a message confirming that you are added to the list.

RESOURCES, Cont.

Websites for ADR on the Internet:

AAA (American Arbitration Association) web page
http://www.adr.org/

A.A. White Dispute Resolution Institute
http://www.cba.uh.edu/center/aawdri.html

Carter Center Publications
http://www.emory.edu./Carter_Center/publist.htm

Conflict Resolution Resources
http://infomanage.com/conflictres

Florida Supreme Court
http://justice.courts.state.fl.us/

Global Arbitration Mediation Association, Inc.
http://www.gama.com/

Institute for conflict Analysis and Resolution, George Mason University
http://web.gmu.edu/departments/ICAR/

Law Center Home Page
http://gpu.srv.uallberta.ca/~law/law.html

Program on Negotiation, Harvard University
http://www.harvard.edu/vine/providers/program_on_negotiation/

Rand Institute for Civil Justice
http://www.rand.org./centers/icj/

SPIDR (Society of Professionals in Dispute Resolution) home page
http://www.igc.apc.org/spidr/

RESOURCES, Cont.

PROFESSIONAL DISPUTE RESOLUTION ASSOCIATIONS

Academy of Family Mediators
1500 South Highway 100, Suite 355
Golden Valley, MN 55416

American Arbitration Association
Atlanta Chapter
1975 Century Center Blvd., Suite 1
Atlanta, GA 30345-3203
(404) 325-0101

American Arbitration Association
National Office
Robert Coulson, President
140 South 51st Street
New York, NY 10020
(212) 484-3266

American Bar Association
Section on Alternative Dispute Resolution
740 15th Street
Washington, DC 20005-1009
(202) 662-1680

American Judicature Society
Court Improvement Bulleting
25 E. Washington, Suite 1600
Chicago, IL 60602

Association of Family and Conciliation Courts
329 West Wilson Street
Madison, WI 53703
(608) 251-4001

CDR Associates
Mary Margaret Golten, Administrative Partner
100 Arapaho Avenue, Suite 12
Boulder, CO 80302

Center for Policy Research, Mediation Project
Dr. Jessica Pearson, Director
1720 Emerson Street
Denver, CO 80218

Justice Center of Atlanta, Inc.
976 Edgewood Avenue, NW
Atlanta, GA 30307
(404) 523-8236

National Association of Mediation in Education (NAME)
Annette Townley, Executive Director
205 Hampshire House, UMASS
Box 33635
Amherst, MA 01003-3635
(413) 545-2462

RESOURCES, Cont.

PROFESSIONAL DISPUTE RESOLUTION ASSOCIATIONS, Cont.

National Conference on Peacemaking an Conflict Resolution
SECRETARIAT
Georgia Center for Continuing Education
University of Georgia
Athens, GA 30602

The Network: Interaction for Conflict Resolution
Conrad Grebel College
Waterloo, Ontario N2L 3G6
Canada
(519) 885-0880

National Institute of Dispute Resolution
1726 M Street, NW, Suite 500
Washington, DC 20036-4502
(202) 466-4764

SPIDR (Society of Professionals in Dispute Resolution)
815 15th Street, N.W., Suite 530
Washington, DC 20005
(202) 783-7277

RESOURCES, Cont.

NEWSLETTERS

Dispute Resolution
American Bar Association
Section on Dispute Resolution
1800 M Street, NW, Suite S-200
Washington, DC 20036

Dispute Resolution Forum
National Institute of Dispute Resolution
1726 M Street, NW, Suite 500
Washington, DC 20036

From the Field
S.C. Associates
3796 Moffit Court
Boulder, CO 80304

Negotiation Newsletter
Program on Negotiation at Harvard Law School
500 Pound Hall, Harvard Law School
Harvard University
Cambridge, MA 02138

Resolve (Environmental)
The Conservation Foundation
1255 23rd Street, NW
Washington, DC 20037

The Fourth R
University of Massachusetts
139 Whitmore
University of Massachusetts at Amherst
Amherst, MA 01003

The Alternative Newsletter
The Newsletter of the Section on Alternative Dispute Resolution of American Law Schools
Seton Hall Law School
1 Newark Center
Newark, NJ 07102-5210

RESOURCES, Cont.

JOURNALS

Arbitration Journal
American Arbitration Association
140 West 51st Street
New York, NY 10020-1203

Arbitration in the Schools
American Arbitration Association
140 West 51st Street
New York, NY 10020-1203

Sage Publications, Inc.
275 South Beverly Hills Drive
Beverly Hills, CA 90212

Negotiation Journal: On the Process of Dispute Settlement
Plenum Publishing Corporation
233 Spring Street
New York, NY 10013

Ohio State Journal on Dispute Resolution
1659 North High Street
Columbus, OH 43210-1391
(614) 292-7170

Journal of Dispute Resolution
Center for the Study of Dispute Resolution
University of Missouri, Columbia
School of Law and Missouri Law Review
107 Tate Hall
Columbia, MO 65211

Mediation Quarterly
sponsored by The Academy of Family Mediators
Jossey-Bass, Inc., Publishers
350 Sansome St.
San Francisco, CA 94104
(415) 433-1767

GLOSSARY

Administrative Conference - an independent agency of the Federal government that seeks to encourage procedural innovation at the legislative and agency levels. Its purpose is to promote the use of ADR and to improve the procedures of federal agencies so that they may fairly and expeditiously respond to the needs of the public.

Active Listening - a communication strategy whereby the listener gauges the emotional intensity of the speaker an re-states to the speaker what was heard for verification. Active listening builds trust, confirms what was said, demonstrates empathy that enables the neutral to filter negative/explosive comments.

Agenda - a list of statements of issues gathered from the parties' opening statements., during caucus —without violating confidentiality, or during the mediation session that restates in the affirmative the needs of the parties. The agenda is the road map for problem-solving and possible settlement.

Alternative Dispute Resolution (ADR) - mediation, arbitration, ombudsmen, med-arb or summary jury trial. These strategies are alternatives to traditional litigation. Either mechanism usually involves a third party neutral intervenor to facilitate agreement between the parties outside the judicial forum.

Arbitration - an ADR mechanism used extensively in commercial and labor management disputes. The process is closely akin to adjudication, but usually less formal, faster and less expensive. The parties may select an arbitrator, who may have expertise in issues relative to their dispute, to render a decision based on the arguments and the evidence presented. Most states have enacted statutes that govern the validity and enforceability of an arbited agreement.

Authority - decision-making responsibility that has been legally or consensually vested in an individual or organization.

Avoidance - a negotiation strategy in which a negotiator or opposing party decides that non-engagement, usually through silence, gains him the advantage of avoiding an unfavorable settlement or increases the probability of achieving a desirable concession from the opponent.

Bargaining - a negotiation strategy which offers trade-offs between the parties in order ot reach an agreement.

GLOSSARY, Cont.

Bargaining Range - the spectrum of possible settlement options, excepting a stalemate or breakdown of negotiations.

BATNA - an acronym for Best Alternative To a Negotiation Agreement, in which negotiators compare outcomes if there is no agreement. Usually the neutral may ask a party during caucus, "What will you do if we can't settle this dispute (i.e. reality check)?"

Binding - both parties agree to adhere to a decision or agreement.

Caucus - a private meeting between the mediator and one of the disputants, usually called when the mediator senses that there are hidden interests or information that doesn't surface during the joint session. Within a caucus, the mediator attempts to discover those hidden interests. All information disclosed during caucus is confidential and will not be disclosed without permission of the party.

Common Interests - jointly held substantive, psychological or procedural interests held by the parties to the negotiation.

Competition - a negotiation strategy in which one party pursues his interests selfishly wit no regard for the other party. It's a win/lose process wherein one party perceives that the contested resources are limited and his needs can only be met if the other party receives less of the limited resource.

Conciliation - mutual, substantive or procedural interests of the parties in the dispute. Usually, identifying common interests facilitates agreement.

Conflict - a dispute between two or more parties over actual or perceived competing interests. Rather than be destructive, conflict can stimulate communication, problem-solving, goal identification and constructive resolutions..

Consensus - a settlement process where an agreement is reached after identifying the interests of all parties and then integrating these needs to fashion the agreement. All parties may not be equally satisfied or may not be equally supported, but consensus addresses all interests.

Vinson Institute of Government, UGA, 1992

GLOSSARY, Cont.

Consultation - a consensus -building process in which persons or groups exchange problem-solving ideas to reach a collaborative decision. Consultation requires trust, sublimation of self-interest, cooperation, frankness and accurate information exchange.

Contract - a legal, formal mutually binding agreement between two or more persons outlining the terms and conditions which bind the parties to performance, subject to review of the courts.

Court-Annexed Arbitration - an ADR mechanism by which a judge refers civil disputes to an arbiter who renders a prompt, non-binding decision. Some states require the party who refuses to accept the arbited award to pay court costs for his continued pursuit if he is not awarded a greater award after the trial.

Dispute - a conflict or controversy between two or more parties. Usually the dispute evolves over perceived injustices or imbalances. However, a dispute need not be destructive, it can be a catalyst for creative and constructive change.

Early Neutral Evaluation - a court-directed resolution process presided over by an attorney, hand picked by the court, who has experience related to the issues of the dispute. The sessions usually take place in the courthouse or an atorney's office with the parties and their representatives. No rules of evidence and no direct or cross-examinations are allowed. After discussion, the evaluator reviews the case and asks the parties to attempt resolution before his evaluation is considered. If there is no resolution, the evaluator outlines case planning and discovery options available to both parties when they proceed to trial.

External Influences - constraints on outside the mediation session which affect the dynamics of the exchanges between the parties (.e., threats of retaliation, fear , alcohol and drugs, weapons, statutes, limited resources or lack of authority).

Facilitation - a resolution strategy which is a collaborative process in which the neutral assists a group of individuals or parties with divergent issues to proceeded toward closure. The neutral may function as an expert and establish guidelines for procedurals without making substantive contributions.

Vinson Institute of Government, UGA, 1992

GLOSSARY, Cont.

Factfinding - entails the appointment of a person or a group with technical expertise in the subject matter to evaluate the matter presented and file a report establishing the "facts." The factfinder is not authorized to resolve policy issues. Following the findings, the parties may then negotiate a settlement, hold further proceedings, or conduct more research.

Hidden Agenda - interests or issues a party may be unwilling or reluctant to disclose to the other party. Hidden agendas affect the success of mediation. The mediator should try to uncover these issues during caucus or, during a joint session, practice re-phrasing or re-framing to encourage the party to state that issue.

Impasse - the inability of the parties to move toward agreement. Strategies such as re-framing, reflection, restatement or caucusing may bypass this impediment. (Synonym: stalemate, deadlock)

Interest - a substantive or procedural need a party must have satisfied in order to end a conflict.

- *Substantive* - objective needs that a party wants to have satisfied or exchanged as a result of the negotiation (money, responsibilities, resources, time, etc.) It's what you get!

- *Psychological* - a party's emotional needs, such as how one is to be treated, what is necessary for the relationship to continue (i.e. , I want to be respected). It's how people feel!

- *Procedural* - a party's needs regarding the process. It may involve specific behavioral rules or processes (i.e., the opportunity to be heard or speaking order). It's how something is done!

Interest-based Bargaining - a negotiation strategy used to reach an integrated solution that satisfies as many interests or needs of the parties as possible. It focuses on win/win outcomes.

Issues - topics or problem statements a party wishes to have discussed within the context of the mediation. Issues form the agenda of the mediation.

Mediation - a dispute resolution process that is voluntary and less costly in time and money than litigation. In mediation, a third party acts as a neutral intervenor who assists disputants to reach a mutually acceptable solution. Mediation is a cooperative win/win process.

Vinson Institute of Government, UGA, 1992

GLOSSARY, Cont.

Med-Arb - a dispute resolution process by which a neutral facilitates voluntary agreement. If, however, the parties cannot reach an agreement, the neutral can make a binding decision for the parties. Prior to the session, the parties give the neutral authority first, to attempt mediation, then to make an arbitrary decision if there's an impasse.

Memorandum of Understanding - an informal, written document that outlines the body of agreement between the parties. It is usually used in divorce mediation or any other technical session that requires submission to legal counsel before the final draft is signed.

Mini trial - a structured settlement process in which each side presents an abbreviated summary of its case before senior officials of each party who have authority to settle the case. A neutral advisor presides over the proceedings and will render an advisory opinion if asked to do so. Following the presentations, the officials seek to negotiate a settlement.

Negative Intimacy - a destructive emotional bond between the opposing parties or between a party and the dispute which perpetuates the damaging relationship. Usually seen in divorcing couples (i.e., fatal attraction).

Negotiation - a resolution process which may include persuasive arguments when the parties seek to resolve a disagreement over competing needs. During the negotiation process there is no facilitator. Rather, discussions are held between the parties or their representatives.

Negotiated Rule-making - an innovative negotiation process used by government agencies. Negotiated rule-making entails notifying affected representatives of the public who may be affected by a particular regulatory proposal made by the agency. Once notice is properly posted, according to statute or mandate, the agencies and the representatives meet. These parties, assisted by a convener, exchange ideas and negotiate issues pertinent to the proposed regulation. After consensus is reached, the proposal is unpublished for public comment and adoption.

Negotiated rule-making is a premise founded on the notion that if agencies provide opportunities for community feedback, prior to regulatory adoption, it will yield a simpler, quicker rule adoption process that is less subject to judicial challenge than traditional rule-making procedures.

Vinson Institute of Government, UGA, 1992

GLOSSARY, Cont.

Offer - a settlement proposal made by either party which addresses the issues of the dispute.

Ombudsman - an official third party, appointed by an institution to investigate complaints or grievances aimed at the institution by its constituents, clients, or employees. The ombudsman is often employed by the institution, by a branch of the military or agency of the government. The ombudsman is responsible for preventing disputes and facilitating resolution. She may advise the complainants of available options and recourses, suggest systemic changes within the institution and advise managers of possible policy violations.

Opening Statement - statements made by the mediator an both parties at the beginning of the session. The mediator's opening statement delineates the process and sets the tone of session by establishing a climate of trust and cooperation which encourages settlement. The opening statement of the parties identifies their needs and usually sets the agenda for the session.

Option - a substitute procedure or suggestion or solution that may satisfy the needs of the parties.

Peer-based Mediation - mediation practiced in a school by trained student mediators where the disputants are their peers. Usually used for minor disciplinary incidents such as malicious gossip, girlfriend/boyfriend jealousy, fighting, name calling, racial slurs, harassment, arguments and classroom disruption.

Position - statements of the parties that identify a specific need (i.e., I want the house).

Positional Bargaining - a negotiation strategy in which the interests or positions are sequentially presented in set order where the first issue represents the greater demand and all subsequent issues are listed with the last being the least important issue.

Procedure - sequential steps ordered to achieve a desired outcome.

Process - an aggregate of procedural steps or a format to achieve a desired outcome. Process refers to how and the way something is done, not what was done.

Proposal - a suggestion or option as to how best to proceed during the negotiation session. It is usually an offer to do something.
Vinson Institute of Government, UGA, 1992

GLOSSARY, Cont.

Public Dispute - controversies that affect the public. Public disputes generally involve local, state or federal agency policies challenged by affected members of the community. Usually the agency has the ultimate decision-making authority (i.e., land use, re-zoning, eminent domain).

Reality Testing - a mediation strategy, usually applied during caucus, by which the neutral asks the party to consider the true consequences of a proposal or demand. The mediator can suggest that the party consider their BATNA. Reality testing is sometimes used to determine what the parties really want or if they know what their demands mean.

Reframing - a communication strategy a mediator may use to extract then re-state in a more positive, palatable, win/win manner some inflammatory, negative, toxic language used by a disputant. Reframing makes it easier for the parties to agree.

School-based Mediation - mediation practiced in an educational environment. It encompasses the administration, teachers, students, and community.

Self-executing Agreement - an agreement that can be wholly executed at the end of the session or an agreement that is self-evident that the parties will abide by the written terms of the agreement.

Settlement - the agreement.

Settlement Conference - a resolution process usually chaired by a lawyer or judge who acts as a third-party neutral to facilitate agreement between the parties. She may offer suggestions during the process. Although the neutral does not make the decision, she may, if requested by the parties, make non-binding recommendations.

Strategy - a conceptual plan that outlines the steps to be taken to attain a desired outcome. It is an if this-then this response to another's actions.

Summary Jury Trial - consists of a summary trial before a jury drawn from the regular panel list. The trial can be completed in one day. Both attorneys make a brief presentation resulting in advisory verdicts. The verdict may e accepted by the parties or may provide the basis for further settlement discussions. If either party rejects it, a regular jury trial can be obtained, buy often this process leads to settlement.

Vinson Institute of Government, UGA, 1992

GLOSSARY, Cont.

"Win/Win" Negotiations - a negotiation strategy coined by Fisher and Ury that features non-adversarial bargaining. The principal tenet of this strategy is that the parties seek outcomes that satisfy their needs and the needs of the other party. It is a process that promotes trust and builds or preserves relationships.