

# Conflict Resolution and the ADR Initiative at GSW

Diane Kirkwood  
ADR Liaison for GSW

# Topics

- The Nature of Conflicts
- Conflict Resolution Approaches
- So What is Mediation?
- History of ADR in USG
- Conflict Resolution at GSW
- How Does Mediation Work?
- What if it Mediation Doesn't Work?
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# The Nature of Conflicts

## Sources of Conflict

- Values
- Data Conflicts
- Structural Conflict
- Relationship Conflict
- Interest Conflict

## Disputes

- Grievances
- Lawsuits
- Complaints
- Strikes
- Disciplinary Actions

CONFLICTS can lead to....



# Conflict Resolution Approaches

- There are three basic approaches to getting conflicts resolved...
  - **Rights Based:** adjudication
  - **Interest Based:** negotiation and mediation
  - **Power Based:** acts of aggression or the withholding of the benefits of a relationship.

# The ADR/Mediation Approach

- The ADR/Mediation Approach is interest based and it can be characterized by the following:
  - Informal
  - Fast
  - Inexpensive

# So What is Mediation?

- *Mediation* ...is 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. The Mediator does not decide the outcome of the issues; they facilitate the outcome(s). Mediation is a **cooperative win/win process**.

# History of Alternative Dispute Resolution (ADR) Process

- **1994** The BOR established the Blue Ribbon Study to research conflict and ways to reduce the adversarial ways of resolving conflict on our campuses. The goal was to create more collaborative approach to resolving issues.
- In **1995** the ADR, Alternative Dispute Resolution Initiative was developed and implementation began on campuses.
- Each Campus President appointed a Campus Liaison to be the primary contact for the institution and to be the primary intermediary between the Chancellor's Office and the USG Advisory Committee on Conflict Resolution.
- Each Campus was to form a Campus Conflict Resolution Committee to aid in their work, provide feedback and also serve as a focus group.

# Conflict Resolution At GSW

In 1996 GSW ...

- Formed Campus Committee
- Educated and Trained Faculty and Staff
- Assessed the Current Conflict Systems
- Made changes based on assessment and implemented new faculty/staff process.
- Implemented Recommended changes
- Evaluation and Improvement

# How Does Mediation Work?

- Faculty, Staff or Student in conflict contacts the ADR Liaison.
- The ADR Liaison does an initial history of the conflict and then tells the employee(s) or student(s) about the mediation process.
- If both parties agree to mediate the dispute, the liaison will give the parties the list of on campus mediators or contact CNCR (Consortium for Conflict Resolution) to have a University System State Wide mediator assigned to hear the conflict.

# How Does Mediation Work?

- The liaison sets the date, time, location for the mediation and advises the parties.
- At the beginning of the mediation, the mediator explains mediation process to the parties and each party is given the opportunity to state their interests and issues.
- The mediator then attempts to clarify the issues by asking questions and encouraging parties to discuss the issue(s).

# How Does Mediation Work?

- Once all issues and interests are discussed, the mediator will then encourage parties to begin developing possible solutions.
- If solutions are developed then the mediator will attempt to get the parties to agree on follow-up and action steps.
- An agreement is drafted and shared with the parties at the close of the mediation meeting in the form of a written agreement.

# How Does Mediation Work?

Other info related to the Mediation process:

- Mediation is a confidential process.
- The Mediator is not a judge or arbitrator, they are a facilitator.
- The Mediator may require a caucus with the parties. A caucus is one on one time to clarify issues, etc.

# What If Mediation Doesn't Work?

- What happens if the parties are not happy with the outcome of the mediation?

If the parties have made an attempt to mediate the issue without success, then a formal grievance can be submitted for resolution. Mediation does not eliminate the parties ability to file a formal grievance.

# Who Should I Contact to Set up a Mediation?

Diane L. Kirkwood – ADR liaison

Extension 2000 or [dlk2@canes.gsw.edu](mailto:dlk2@canes.gsw.edu)

## ADR Committee Members

Gaye Hayes

Freida Jones

Jeff Green

Randolph Barksdale