

Faculty Dispute Resolution

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The FDR logo is a Triskelion design from the late Bronze Age. A lively symbol, it gives a distinct impression of movement, always ongoing, fully connected, expressing continuity and balance.

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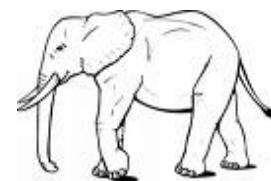
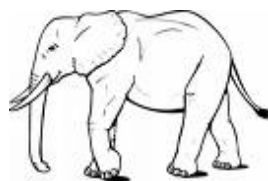
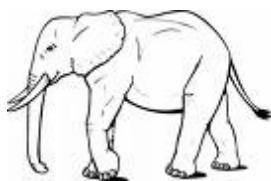
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*The things they said
merely served to
camouflage the things
they weren't saying.*

—Luis Alfredo Garcia-Roza, Southwesterly Wind.

Elephants in the Room?

Sometimes when people are in meetings and discussions, they seem to work strenuously to not talk about an issue or event that is at the core of the difficulty—the elephant in the room that everyone is avoiding. Here are some questions and phrases that might help bring up a discussion of the elephants.



1. Is there an unnamed elephant in the room today and what do we need to do about it?
 2. Is there anything still under the table that we need to put on the table?
 3. Does anyone have a gut feeling that something is “off” — even if you cannot quite put your finger on what it is?
 4. Please hear what I have to say and then let me know if I am making some assumptions that need more discussion.
 5. “Default to the curious, not the defensive.”* Let’s talk about our differing assumptions.
 6. Is there a gap in what we are saying and what we are doing? (intent-impact gap)
- Note: if there is reluctance in the group to verbalize the elephant, ask each person to write down on an index card what he/she sees as the elephant (and if nothing is seen, then write that down on the card).

*Adapted from S. A. Hammond & A. B. Mayfield (2004). The thin book of naming elephants. Bend, OR: Thin Book Publishing Co.

Mediation Training for UNM Faculty — Fall 2009

Jean Civikly-Powell (Director, Faculty Dispute Resolution and Professor Emerita, Communication) will be offering mediation training for UNM Faculty in September 2009.

The goal of the training is to increase the mindfulness and practice of constructive communication and conflict resolution on the UNM campus. Jean has over 15 years experience as a mediation trainer and coach. The training will prepare faculty in the content, theory, and practice of conflict management and mediation.

For the September training, Jean will also include dimensions of strengths-based principles and appreciative inquiry. This is a 4-day/all-day training. The dates and times for the mediation training are:

Friday and Saturday, September 11 and 12, 8:30-4:30 and

Friday and Saturday, September 25 and 26, 8:30-4:30.

Faculty who have taken the training have reported it was an informative and transformative experience.

To register, contact Jean at jcivikly@unm.edu or 277-3212.

Conflict Resolution Programs in Higher Education

State of Georgia's Initiative and Policy Direction on Conflict Resolution

Despite growing knowledge and popularity of **alternative dispute resolution (ADR)** processes both inside and outside the academy, few states have tried to implement and institutionalize ADR on a university system-wide basis. In Georgia, the Board of Regents' Initiative and Policy Direction on Conflict Resolution, enacted in 1995, required each of the 34 institutions within the University System of Georgia to design and implement an alternative dispute resolution program to meet their individual needs. The following summary is based on information available on the **Consortium on Negotiation and Conflict Resolution (CNCR)** website (see Note #1), and has three parts: (a) the impetus, goals, and steps of the Georgia Initiative; (b) factors affecting the institutionalization of ADR in Georgia institutions; (c) lessons learned from the Georgia Initiative.

The Georgia Initiative: Impetus, Goals, and Steps

What prompted the Board of Regents to devise a system-wide initiative on conflict resolution? First, the 1995 Georgia Initiative emerged at a time when attitudes toward conflict resolution were moving to a new vision: resolving conflict at the lowest level. Second, the appointment of a new Chancellor, Dr. Stephen Ports, who was open and supportive of the use of ADR, combined with a strategic planning initiative to create an environment conducive to the institutionalization of conflict resolution.

In 1994 the Georgia Board of Regents convened a Blue Ribbon committee. The Blue Ribbon committee included ADR champions from individual institutions. The committee created the Georgia Board of Regents' Initiative and Policy Direction on Conflict Resolution that was charged with addressing five critical goals:

- To establish a System-wide conflict resolution program that maximizes collaborative resources and guidance for institutional processes and practices.
- To decrease the reliance on adversarial processes such as formal grievances, appeals, and litigation.
- To achieve timely, equitable, and satisfactory resolutions at the lowest possible level within the System.
- To make the institutional environment for students, faculty, and staff more protective of human dignity, more respectful of the value of conflict, and more effective in fostering communication and community.
- To make the University System of Georgia an exemplar and nationally recognized leader in the development of alternative dispute resolution for higher education.

To implement the Georgia Initiative, the Regents appointed (a) an Advisory Committee to develop educational programs and recommend a comprehensive system-wide plan and (b) the CNCR as technical advisor. Also, the president of each institution appointed an ADR liaison to act as champion for implementation of the Initiative at their institution and to interact with the Advisory Committee and CNCR. Six implementation steps were identified, and how these steps were carried out was left to the discretion of each institution: (a) formation of a campus conflict resolution committee; (b) education and training; (c) conflict management systems assessment; (d) systems design recommendation; (e) implementation of recommendation; and (f) evaluation and improvement. Along with the six implementation steps, the ADR liaisons were given eleven principles to guide them in developing and implementing conflict resolution programs:

Walk the talk; no two conflict management systems are alike; users should design it; look before you leap; experiment and be creative; cultivate a pool of resources; key decision-makers should be on board; recognize that conflict exists; be realistic and patient; commit the necessary resources; review and improve.

Factors Affecting Institutionalization

Forces both outside and within the academy have influenced the development and implement of the 1995 Georgia Initiative. Some of the noteworthy factors within the higher education arena that have negatively affected the Georgia institutionalization of conflict resolution include:

- The collaborative, participative nature of conflict resolution does not fit easily within the bureaucratic, hierarchical structure of higher education.
- At the institutional level, there are the scarce resources in terms of personnel, knowledge, and money.
- ADR's focus on change may present too great a stretch for an institution such as higher education that is inherently structured to avoid change.
- The perception that ADR requires negotiation or compromise to reach a resolution makes it unattractive to administration.

On the other hand, some of the positive factors include:

- Leadership represents the greatest positive influence in creating the needed environment to institutionalize conflict resolution.
- The increasing popularity of conflict resolution outside the academy makes it an enticing subject for faculty interested in exploring the link between theory and practice.
- Conflict resolution's focus on cultural awareness and dealing with issues of diversity makes it an extremely useful tool in the increasingly diverse higher education arena.

Lessons Learned

The progressive implementation of conflict resolution in the University System of Georgia offers some valuable lessons to others interested in attempting to institutionalize conflict resolution.

- Mandated implementation without buy-in has ramifications.
- Too much flexibility in design principles can overwhelm designers.
- Institutional readiness for cultural change should be assessed.
- Unfunded mandates create numerous obstacles.
- Systems designers have a tendency to implement without adequate planning and assessment.
- Education and training is key to maintenance.
- Data collection systems need to be developed beyond the initial stage of implementation.

Notes:

1. The website for the Consortium on Negotiation and Conflict Resolution is: www.gsu.edu/cncr
2. The University System of Georgia's Board of Regents was created in 1931 as part of a recognition of Georgia's state government and to unify public higher education in Georgia.
3. The Consortium on Negotiation and Conflict Resolution (CNCR), starting in 1987 under a grant from the William and Flora Hewlett Foundation, is supported by the University System of Georgia and based in the College of Law at Georgia State University in Atlanta.
4. The Advisory Committee, as recommended by the Regents' Blue Ribbon Committee, should be composed of members who are representatives of the full range of stakeholders within the University System – faculty, administrators, staff, and students. In the actual implementation, however, students, although initially included, were eventually dropped from the Advisory Committee due to their transient nature and difficulty in scheduling.

—Prepared by Yea-Wen Chen, FDR Graduate Assistant

Something New—E-Workshops!

This semester, FDR is experimenting with a new approach to our workshops — E-Workshops! Please let us know what you think. We will be using the FDR website to provide information about a workshop topic along with discussion questions and an opportunity for you to comment on a discussion board for each workshop.

Our first workshop is: The Self in Conflict.

Here's the link: www.unm.edu/~facdr, then click on "Workshops" in the left column.

At the Workshop link, you will find links to a brief 2-page summary of the article, several discussion questions, and the discussion board. (The full text citation is: McGuigan, R., & Popp, N. (2007), The self in conflict: The evolution of mediation. *Conflict Resolution Quarterly*, 25(2), 221-238).

The authors describe three different mindsets that may be part of conversations during a conflict: the instrumental mindset, the affiliative mindset, and the self-authoring mindset. Their work is grounded in the notions that individuals create meanings from their experiences and that their process of constructing meaning evolves through qualitatively different stages of increasing complexity.

Reasons to Mediate

1. Mediation is free.
2. Mediation is fair and neutral.
3. Mediation saves time and money.
4. Mediation is confidential.
5. Mediation avoids litigation.
6. Mediation fosters cooperation.
7. Mediation improves communication.
8. Mediation helps to discover the real issues in your workplace.
9. Mediation allows you to design your own solution.
10. With mediation, everyone wins.

US Equal Employment Opportunity Commission website on mediation:
<http://eeoc.gov/mediate/index.html>



"The most beautiful thing
 we can experience is
 the mysterious.
 It is the source of all
 art and science."
 —Albert Einstein

Want to learn more about Faculty Dispute Resolution?

Please visit us at: <http://www.unm.edu/~facdr>

FDR's confidential services are available to all faculty and faculty-administrators. The FDR website provides information on resolving workplace conflicts and moving forward to constructive interactions.

- What is Faculty Dispute Resolution?
- What is Mediation?
- Information about Confidentiality
- Mediation Agreement Forms
- Information about Mediation Training
- Workshops and E-Workshops
- Newsletters
- Article and Chapter Summaries
- Roster of Faculty Mediators
- FDR Advisory Board
- Dispute Resolution Links
- and more...