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TO: UNIVERSITY OF NEW MEXICO
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CC: Ira Bolnick, Senior Assoc. University Counsel & UNM ADR Coordinator
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From: Mary Jo Lujan, ADR Bureau Chief
Office of Alternative Dispute Prevention and Resolution
NM General Services Department, Risk Management Division, ADR Bureau

RE: Alternative Dispute Resolution (ADR) at UNM

Date: January 20, 2010

In 2007, the state of New Mexico enacted the Governmental Dispute Prevention and Resolution Act (§12-8-A-1 NMSA), mandating all Risk Management Division-insured entities to provide access to alternative dispute resolution procedures, establishing an office and staff dedicated to promoting ADR, and other requirements to support the growth and use of ADR. The University of New Mexico's early and proactive establishment of ADR options (most notably, mediation) predates the Act's requirements, and distinguishes it from most of RMD's other insured entities, particularly the state's other colleges and universities (most of which have no established ADR program or procedures). UNM's ADR programs have also been generous in the sharing of information, resources and expertise, contributing greatly to the establishment of the state's ADR program. This memo acknowledges that relationship, and provides a summary of information reflective of UNM's achievements in alternative dispute resolution.

As required by statute, the Risk Management Division provides legal defense in claims against its insured entities; these claims often require other strategies, including ADR, to encourage early, fair and cost-effective resolution. As a regular practice, the RMD/ADR Bureau regularly analyzes claims data for the applicability and effectiveness of ADR. Workplace civil rights claims are particularly amenable to ADR if processes are available early, easily, and confidentially. Comparative analysis of these claims illustrates entity performance

proportionate to unit size (based on employee counts), as compared to all other insured entities, or limited to entities with similar functions and liabilities (colleges, universities and select schools). UNM has contributed toward cost savings for both the University and for the state by achieving less frequent and severe loss experience in this area.

How has UNM been able to create a workplace in which fewer and less expensive claims are filed against it relative to other RMD-insured entities? Our extensive ADR surveys and research regarding the unique character, liabilities and resources of all of RMD-insureds suggest that UNM's early and continuing institutionalization of ADR options at a variety of levels may positively contribute to its claims experience in workplace civil rights. Specifically, UNM has created these administrative ADR processes:

- a dispute resolution program dedicated to university staff;
- a dispute resolution program dedicated to university faculty; and
- an ADR Coordinator designated as the point-of-contact for claims, EEOC charges, and other RMD matters involving UNM (including the University of New Mexico Hospital).

These processes empower employees to create their own solutions in a confidential environment, encouraging individual responsibility and accountability (all hallmarks of a successful ADR program). When combined with other training and professional development programs, these factors positively impact the prevention and management of disputes, resulting in cost-savings and improved organizational efficiency.

By leveraging its institutional knowledge, UNM contributes to the statewide growth of ADR through the sharing of administrative expertise, precious resources (including highly qualified and skilled volunteer mediators), time-tested quantitative measurement instruments, and innovative quality assurance evaluation tools. UNM has developed best practices, resources, and standards of significant value, not just to the University, but to other organizations and colleges. New Mexico State University and San Juan College have relied heavily upon UNM's guidance in the development of ADR initiatives on their campuses, as have many state agencies. Clearly, the state of New Mexico benefits from UNM's leadership in ADR.

The existence and performance of these ADR options at the University of New Mexico reflect an organizational commitment to respectful, efficient and cost-effective work place practices. The management of disputes at the earliest, internal stage can prevent them from escalating to more costly and time-consuming lawsuits and insurance claims. We commend the University of New Mexico for its long-standing support of these innovative and highly effective processes. The state Office of Alternative Dispute Prevention and Resolution looks forward to continuing this partnership of learning, support and collegiality.

Thank You.