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The Board of Regents' Initiative and Policy Direction on Conflict Resolution

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Introduction

Although colleges and universities from around the country have been experimenting with, and in some instances institutionalizing, alternative dispute resolution (ADR) processes, few states have tried to implement ADR on a system-wide basis or directed their public institutions of higher education to implement ADR on their campuses. Until the Board of Regents for the University System of Georgia's Initiative and Policy Direction on Conflict Resolution (Initiative), the work in conflict resolution in higher education had been done on an individual, institutional basis. In Georgia, prior to the Initiative, some campuses had used mediation sporadically and Georgia State University housed an ombuds office and a peer mediation program. However, without impetus from the highest level, most institutions were not of the mind set to undertake institutional change regarding campus conflict management. So, what prompted the Board of Regents for the University System of Georgia to devise an initiative on conflict resolution?

The Board of Regents' Initiative and Policy Direction on Conflict Resolution

Understanding of the conflict resolution environment in higher education, and the development and structure of the Initiative are necessary to answer the question, "What prompted the Board of Regents to devise a system-wide initiative on conflict resolution?" This section will examine the higher education environment in the United States at the time the Initiative was developed and Georgia's response.

New Approaches to Conflict Resolution in Higher Education

In January, 1994, a new Complaint Resolution Manual changed the way the Department of Education deals with civil rights complaints as a result of President Clinton's "Reinventing Government" campaign. The manual encouraged the free exchange of information, engaging in an "Open Dialogue," with the institutions involved in complaints to encourage faster resolution. The Commission on Research Integrity considered creating a "Whistleblower's Bill of Rights" to dictate how universities must treat those who present evidence of scientific wrongdoing at research institutions, preventing retaliation against the accusers. In the student arena, Eastern Michigan University sponsored a "Kiss and Make Up Week" during which students were encouraged to give candy kisses to other students with whom they had disagreed. The University of Nebraska gave students a voice by including questions in course evaluations regarding whether a professor had discriminated during the course. The attitude toward conflict resolution in higher education was moving to a new level; that is, resolving disputes at the lowest level. With the appointment of a new Chancellor who was open to the use of ADR, the University System of Georgia was prepared to take advantage of this new climate.

The Structure of the Initiative

In the summer of 1994, the Georgia Board of Regents convened a Blue Ribbon committee comprised of ADR champions from individual institutions. The committee was charged with determining the best way to integrate alternative dispute resolution into

the University System of Georgia. In the spring of 1995, the committee recommended the adoption of the first university system-wide ADR initiative in the country: The Georgia Board of Regents' Initiative and Policy Direction on Conflict Resolution.

The Initiative is designed around five critical goals:

1. To establish a System-wide conflict resolution program that maximizes collaborative resources and guidance for institutional processes and practices which are developed for and well integrated into the particular institutional culture of each campus;
2. To decrease the reliance on adversarial processes, such as formal grievances and appeals and courtroom litigation, both within the System and in its dealings with other persons and agencies;
3. To achieve timely, equitable, and satisfactory resolutions at the lowest possible level within the System and at its institutions in the most efficient and cost effective manner commensurate with the interests and rights of all concerned and reduce conflict recurrence while anticipating and responding to future conflicts;
4. To make the institutional environment for students, faculty and staff more protective of human dignity and trust, more respectful of the value of conflict, and more effective in fostering communication and community;
5. To make the University System of Georgia an exemplar and nationally recognized leader in the development of alternative dispute resolution for higher education.

The Regents appointed an Advisory Committee to develop educational programs, recommend a comprehensive system-wide plan, and advise the Chancellor's Office on implementation. Although the original intent was to include a representative from every institution in the System on the committee, with 34 institutions, it quickly became clear that this would not be efficient or effective. Instead, the Regents sought to ensure that the membership of a smaller committee was representative of all of the constituents in the System. Because of their transient nature and difficulty in scheduling, students, although initially included, were eventually dropped from the Advisory Committee. The Georgia Consortium on Negotiation and Conflict Resolution (CNCR) was appointed technical advisor, conducting educational programs, designing resource materials, offering consultations on system design, and performing research on the Initiative. The president of each institution in the System appointed an ADR liaison to act as champion for implementation of the Initiative at their institution and interact with the Advisory Committee and CNCR.

The Grand Scheme

In recognition of the fact that thirty four institutions may address conflict in thirty four different ways, the Initiative provides institutions with the flexibility to design the program best suited to their individual needs. Six implementation steps are identified, but how these steps are performed is left to the discretion of the institution. The steps

are:

1. *Form a Campus Conflict Resolution Committee*
   The ADR Liaison's initial task is to form a Campus Conflict Resolution Committee representative of the full range of stakeholders on campus. The committee's task is to help identify current conflicts, anticipate future conflicts, analyze current conflict handling procedures, and design an improved conflict management system if necessary.

2. *Education and Training*
   It is necessary for Liaisons, Committee members, other stakeholders, and key decision-makers to learn about conflict management theory and design as quickly as possible. The intent of this education and training phase is to help each campus develop the internal capacity to provide the ongoing education and training required.

3. *Conflict Management Systems Assessment*
   Each institution is directed to take an honest, in-depth assessment of its conflict environment including the types of disputes present, dispute handling mechanisms in place, and the effectiveness of those mechanisms.

4. *Systems Design Recommendation*
   After conducting the assessment, the Committee will determine what conflict management system improvements, if any, to recommend.

5. *Implementation of Recommendation*
   The Committee is charged with formulating and carrying out a detailed plan for implementing its system design recommendations.

6. *Evaluation and Improvement*
   Every good conflict management system contains a feedback mechanism that alerts designers to emerging needs for modification and hot spots for conflict and disputing. Recognizing this, the Initiative directs Committees to engage in ongoing or periodic assessment and evaluation of their conflict management system.

Along with the implementation steps, the ADR liaisons were given principles to guide them in developing and implementing conflict resolution programs at their institutions. They are:

Walk the talk. This principle reflects the need for an attitude or culture supportive of the objectives of conflict management and resolution along with the implementation of programs and processes. Liaisons were instructed that to be

successful in implementing the Initiative, they must demonstrate a commitment to the basic concepts of ADR as they follow the steps previously outlined.

No two conflict management systems are alike. What works for one institution may not work for another. It is important to understand the environment and needs of the institution to devise the most appropriate program. This principle reflects the importance of performing an in-depth assessment.

Users should design it. The best way to encourage participants' commitment to a process is to involve them in the design of the process.

Look before you leap. Different conflict resolution tools are best suited to address different types of issues or challenges. Before "leaping" into the implementation of a specific type of program, it is important to determine what you want the program to achieve.

Experiment and be creative. There are no rules about the ways in which ADR can be used to prevent and address conflict. The objective is to examine all the alternatives and determine which combination will work best for your particular situation.

Cultivate a pool of resources. ADR liaisons and committees should not feel that they must become experts on all aspects of conflict resolution. Expertise exists both within and outside the University System of Georgia. Liaisons should establish networks and linkages to take advantage of available resources.

Key decision-makers should be on board. Without the support of key decision-makers, the best program will not succeed. It is critical to include these stakeholders early in the process to cultivate their commitment and support.

Hear no evil and see no evil? Some institutions argue that there is no conflict on their campus because they do not hear about it or see it on a day-to-day basis. Others are concerned that by providing informal mechanisms for addressing conflict, they will increase the number of conflicts that are raised. This principle encourages those institutions to recognize that conflict exists, whether overtly or not, and that by addressing it in an informal manner, before it becomes an issue for the formal channels, they will do themselves a service in the long run.

Be realistic, be patient. Change of any sort is slow and difficult. Do not expect too much, too soon. Devise a detailed implementation plan and measure results in a realistic manner, recognizing that it will take time for them to materialize.

Commit the necessary resources. Institutional resources are scarce, but

committing them up front to develop ways to resolve disputes more efficiently and effectively will save resources in the future.

Review and improve. Continuous improvement is crucial for any program to be successful over the long term. This principle reflects the importance of the evaluation step. Inclusion of methods for integrating necessary improvements makes the conflict resolution system a "living process" consistently cycling through all of the design steps.

Factors Affecting Institutionalization

Forces both outside and within the higher education arena have influenced the development of the Initiative and the ability of Georgia institutions to design and implement conflict resolution systems. The explosion of ADR outside the academy, as illustrated by the Administrative ADR Act of 1990, ADR activity in the courts, especially in Georgia, and the advent of a "team" focus in industry, contribute to an environment which supports the move toward employing ADR in higher education. Still, legislation such as the Open Meetings/Open Records Act and the negative perceptions resulting from the "business of ADR" outside the University environment threaten the viability of this concept.

Within higher education, attitudes and elements of leadership, institutional factors, and the characteristics of ADR influence the design and implementation of conflict resolution systems.

Leadership

In Georgia, leadership represents the greatest positive influence. The appointment of a new chancellor, Dr. Stephen Portsch, who is supportive of ADR, combined with a strategic planning initiative which includes a vision for collaboration and the appointment of attorneys familiar with ADR to the Board of Regents create an environment conducive to the institutionalization of conflict resolution. Still, barriers exist. The collaborative, participative nature of conflict resolution does not fit easily within the bureaucratic, hierarchical structure of higher education. Administration's struggle to maintain control over policy making and the desire to establish "ownership" of ADR processes make it difficult to reach consensus on the structure of a specific program. In Georgia, some leadership, concerned about the longevity of an unfunded initiative, hesitate to commit their limited resources.

Institutional Factors

As one would expect, adoption of the Initiative has not guaranteed its success. A variety of institutional factors have created roadblocks to the smooth implementation of conflict resolution systems in Georgia colleges and universities. The greatest of these is scarce resources: personnel; knowledge; and money. In almost every case, individuals appointed as ADR liaisons or Campus Conflict Resolution Committee members were given this responsibility as an addition to their existing work load. In a very few cases, ADR liaisons were granted release time to focus on the charges associated with the

Initiative. Although Georgia is fortunate to have a number of ADR experts in the System, many of the ADR liaisons and Campus Conflict Resolution Committee members had no knowledge of or experience with ADR prior to their appointment. They required extensive education and training to enable them to complete the task given them. Finally, the Initiative, as originally designed, was an unfunded mandate. Institutions were required to design and implement conflict resolution systems through existing funds and budget re-direction. This lack of additional funding had a dual effect. Without funding to address shortages in personnel availability and education and training requirements, some institutions made the decision to give implementation of the Initiative a low priority behind other funded mandates. To others, the lack of funding represented a potential lack of commitment by the Regents to support the Initiative over the long term. As institutions sought to apply their limited resources to projects and programs that would serve them well in the long run, implementation of the Initiative was seldom among the top priorities.

Beyond the issue of scarce resources, other factors presented challenges to the institutionalization of conflict resolution. The proliferation of rights-based programs in higher education and the associated advocates pose real barriers to the establishment of conflict resolution systems. "Turf" issues and the unpredictability of outcomes using ADR procedures may prevent key players from offering their support. In some cases, faculty's boredom with "process", developing one more set of policies and procedures which they must follow, stands in the way. In unionized systems, conflict resolution is often viewed as an end run around the rights the union and its constituents have worked hard to establish. Even if management supports the idea, it may be very difficult to sell to the constituency.

ADR Characteristics

Characteristics intrinsic to conflict resolution create both driving and restraining forces which affect the instutionalization of ADR in higher education. The increasing popularity of conflict resolution outside the academy, in both the public and private sectors, and its applicability to a variety of contexts make it an enticing subject for faculty interested in exploring the link between theory and practice. "Living laboratories" exist in the courts, primary and secondary education, and private industry. Conflict resolution's focus on cultural awareness and dealing with issues of diversity make it an extremely useful tool in the increasingly diverse higher education arena. ADR's focus on change, however, may present too great a stretch for an institution such as higher education which is inherently structured to avoid change. ADR may push too far, too fast. Finally, the perception that ADR requires negotiation or compromise to reach a resolution may make it unattractive to administration. Concerns about maintaining power or control, negotiating away policies, or setting precedents for other interactions may prevent administrators from giving it an honest opportunity to work in their environment.

Knowledge of ADR

ADR knowledge, or the lack thereof, strongly influences the willingness and

ability of an institution to try conflict resolution. In Georgia, ADR expertise worked as a positive influence in the development of the Intiative. The Chancellor and members of the Board of Regents were familiar with ADR, and members of the University System, specifically professor Doug Yarn at Georgia State University, were recognized experts in the field. With the Chancellor's and the Regents' openness to conflict resolution providing an opportunity, professor Yarn and others were able to develop Georgia's system-wide Initiative.

Working counter to these positive forces was the lack of knowledge about ADR and lack of data on its effectiveness. Many of the individuals assigned the responsibility for implementing the Initiative at individual institutions had no initial exposure to or experience with the concept of conflict resolution. They had to rely on education and training to provide a foundation from which they could begin to build programs. CNCR, attempting build practical knowledge and skills, offered mediation training as the initial introduction to ADR. On a positive note, liaisons and others took these skills and began to develop mediation programs; however, there is concern that this focus on mediation as the introductory concept may have artificially limited the scope of programs that may otherwise have been constructed. Difficulty evaluating the effectiveness of ADR and making comparisons to more traditional methods of conflict resolution creates another limiting factor. Given the time required to become educated and develop new programs, and the resistance to change within higher education, it is no surprise that some leaders preferred to see proof that it was "worth the effort" before committing their limited resources to the implementation of an unfunded initiative. Even those who have gone ahead and implemented a program "on faith" face challenges as they attempt to evaluate the program to justify its continued existence.

System Designs in Georgia Institutions

An evaluation of institutional activity from 1996 - 1998, performed by CNCR, found that all 34 institutions in the university system have initiated groundwork, or performed at least some of the activities outlined in the implementation steps in the Initiative, in the development of conflict resolution systems. Approximately one third of institutions have developed and implemented conflict resolution systems. The institutions included in this third, represent a variety of program designs.

The ADR liaison and committee at Valdosta State University (VSU) have elected to focus a good portion of their initial efforts on addressing an issue that they know will create conflict for faculty, staff, and students, the conversion of the University System from a quarter to a semester system. VSU has appointed a faculty member to serve as Administrative Intern for Semester Conversion in the capacity of ombudsman, working with stakeholders in the semester conversion process to resolve issues as they arise. The decision to appoint an ombudsman followed information gleaned from a survey of faculty and staff as part of VSU's assessment process. VSU has also elected to employ a broad approach to institutionalizing conflict resolution on their campus, working toward developing a culture which encourages the use of conflict resolution tools and skills to address issues at the lowest possible level.

Kennesaw State University (KSU) is one of the few institutions which implemented an

in-depth assessment prior to designing their conflict resolution program. A detailed, written, anonymous survey was distributed to representative groups of faculty and staff in 1996. The results provided the foundation for KSU's system design. The Office of Conflict Management (OCM) at KSU houses three ombudspersons, one for faculty, one for staff, and one for students, and offers the most comprehensive array of services available in the system. OCM staff offer consultations, facilitation, mediation, and education, both within the institution and to external clients. KSU is currently offering a certificate program in conflict resolution to its undergraduate students and has plans to implement a Masters in Conflict Resolution and to integrate conflict resolution into teacher's core curriculum.

Columbus State University (CSU) has pursued an entirely different approach to institutionalizing conflict resolution. The ADR liaison and committee, recognizing the need in their culture to build support for a program from the top down, has elected to provide extensive education on conflict resolution to all senior administrators. **(See newsletter article on Columbus)**

Lessons Learned

While design and implementation of conflict resolution programs in the University System of Georgia is progressing nicely, we have learned some valuable lessons to be shared with others interested in attempting this type of approach to institutionalizing conflict resolution.

1. Mandated implementation without buy-in has ramifications.

The Regents' Blue Ribbon Committee, although peopled with individuals interested in ADR from across the System, did not include a representative from every institution; nor does the Advisory Committee. While the decision to structure the committees in this way was made with good reason, it creates challenges in ensuring commitment from stakeholders at every institution. Looking back, we would attempt to find ways to involve stakeholders in the initial development or ongoing support of the Initiative.

2. Too much flexibility in design principles can overwhelm designers.

Hoping to allow the unique characteristics of individual institutions to drive the development and implementation of their conflict resolution systems, the drafters of the Initiative provided only general guidelines rather than detailed directions on dispute resolution system design. ADR liaisons and committees were provided a guidebook and resource manual including references to books and other materials on dispute systems design. Instead of turning to these materials for their education, the designers, many of whom had little or no knowledge of or experience in conflict resolution, preferred training as an introduction to conflict resolution. CNCR elected to use basic mediation training as the introductory course. Mediation training provided a strong foundation of knowledge and skills for participants; however, it also tended to narrow the thinking of system designers, overwhelmed by the broad concept of ADR, who appear to have adopted mediation as their definition of conflict resolution. As a result, many institutions have designed their dispute resolution systems around mediation, automatically incorporating it into their grievance procedures and offering mediation on their campuses,

ignoring other potentially appropriate prevention and resolution tools. CNCR is responding to this lesson by providing training in dispute systems design as an integral part of training in evaluation.

3. Institutional readiness for culture change should be assessed.
Even in the best of circumstances, culture change is extremely difficult for a large, complex organization. Georgia's Initiative was implemented across the system without regard for the environment, or readiness for cultural change at individual institutions. At some institutions, factors such as leadership changes, implementation of other initiatives requiring significant resources, etc. made it difficult, and in some cases impossible, to embrace the conflict resolution initiative.

4. Unfunded mandates create numerous obstacles.
As previously discussed, leaders within the university system have history dealing with unfunded mandates. They have learned from experience that unfunded mandates are not always permanent. They are loath to commit valuable resources to implement an initiative which may not be a priority the next year. Recognizing this, the Advisory Committee to the Chancellor's Office has recommended offering matching grant funds to institutions which submit compelling proposals for program development and implementation. The Chancellor's Office is in the process of estbalishing this program.

5. Systems have a tendency to implement without adequate planning and assessment.
Of the six system design steps outlined in the resource guide to the Intitiative, assessment is very possibly the most important. Still, most of the institutions in Georgia which have designed and implemented conflict resolution systems did so with little or no assessment. Whether this is the result of lack of knowledge about assessment, or the belief that mediation is the only conflict resolution tool available, I cannot say. CNCR plans to address this "Ready, Fire, Aim" phenomenon by focusing more specifically on dispute systems design in future education and training.

6. Education and training is a key to maintenance.
Many of the lessons outlined above can be addressed through education and training; continuous sharing of information. Stakeholders need to be made aware that high level administration recognizes the long term value of implementing the Initiative. Those responsible for designing and implementing a conflict resolution system need education on the phases of system design including assessment, design, incorporating tools and techniques other than mediation, implementation and evaluation. As systems are designed and implemented, individuals need to be trained to provide the services offered by the program. Establishing a strong education and training infrastructure to meet these needs on an ongoing basis is critical to the success of an Initiative such as this one.

7. Develop data collection systems beyond initial stage of implementation.
The Initiative has been in place for three years, and the time has come to begin evaluating its effect, not only at the individual institution level, but also at the System level. CNCR

is encountering difficulty in performing an evaluation because ongoing data collection systems were not established as institutions developed and implemented their systems. As a result, no baseline exists for comparison in evaluation. Given the opportunity too start again, CNCR would develop and disseminate sample data collection systems to ADR liaisons and committees in the initial phases of the Initiative.

Where do we go from here?

Regardless of what originally prompted the Board of Regents of the University System of Georgia to devise a system-wide initiative on conflict resolution, a demonstration of the value of the Initiative will be necessary to ensure their continued commitment. CNCR is addressing this challenge through two avenues.

First, CNCR, in collaboration with Dr. Jama Bradley of the Kell School of Management at Devry Institute, is developing a data collection system to establish a mechanism by which individual institutions will supply data to CNCR on a regular basis. Institutions will report both qualitative and quantitative data associated with the implementation of their conflict resolution system. CNCR will use this data to make regular reports to the Chancellor's Office.

CNCR is also embarking on a research project, beginning in January, 1999, which seeks to evaluate the impact of the Initiative on three units in Georgia's University System. Specifically, the project will examine the level of success the institution has achieved in implementing the Initiative, the institutional and organizational determinants of that success, barriers to implementation and the impact of implementation. The research will use case analysis of three campuses as its primary research tool.

The data acquired from these two projects will assist CNCR in providing key information to stakeholders at the Board of Regents and effective support to institutions, thereby encouraging continued institutionalization of the Initiative.

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