



## COOPERATIVE RESOLUTION PROGRAM

### *FREQUENTLY ASKED QUESTIONS*

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#### ***What is Alternative Dispute Resolution (ADR)?***

ADR is an effective tool for employees, supervisors and managers in resolving various employee conflicts and disputes. It is an alternative to traditional methods of early intervention and dispute resolution. It includes but is not limited to, dialogue, coaching, consultation, facilitation and mediation, or any of these in combination. All of these ADR techniques involve a neutral third party, a person who assists others in designing and conducting a process for reaching agreement, if possible. The neutral third party has no stake in the substantive outcome. Typically, all aspects of ADR are voluntary.



#### ***What is Conflict Prevention?***

Sometimes it is possible to prevent disputes before they occur, by creating and strengthening communication among the persons regarding substantive issues, how they interact, and their relationships. ADR techniques such as dialogue, facilitation, coaching and consultation are used in a variety of contexts (e.g., training, briefings, team building, group intervention) to assist in preventing conflict.

#### ***What is Conflict Assessment?***

Conflict assessment involves the use of a neutral third party to help assess the causes of conflict, to identify the persons or entities that would be affected by the outcome of the conflict, and to help these parties consider the best way (e.g., mediation, facilitation, coaching, consultation) for them to deal with the conflict. The neutral third party helps the parties to prepare for participation in a dispute resolution process through education on the selected ADR technique.

#### ***What is Facilitation?***

Facilitation is a process used to help a group of people or parties have constructive dialogue about complex, or potentially controversial issues. The facilitator provides assistance by helping the parties set ground rules for the dialogue, promoting effective communication, eliciting creative options, keeping the group focused and on track; and finally, assists the group on a plan of action to resolve the issues. Facilitation can be used even where parties have not yet agreed to attempt to resolve conflict.



### ***What is Mediation?***

Mediation is a process in which a neutral third party (the mediator) assists disputants in reaching a mutually satisfying resolution agreement.

Mediation is voluntary, informal, and confidential. The mediator helps the disputants to communicate clearly, to listen carefully, and to consider creative ways for reaching resolution. The mediator makes no judgments about the people or the conflict, and makes no decision. Any agreement that is reached must satisfy all the disputants.

### ***What aspects of Mediation are Confidential?***

If a disputant tells the mediator something in private and asks that it be kept confidential, the mediator is bound by law not to disclose this information voluntarily.

- A few rare exceptions exist, for example, the mediator may have to share information with authorities, if an individual said that they committed a crime or act of fraud, waste, or abuse, or they plan to commit a violent physical act.
- The session is neither tape-recorded nor transcribed; after the session, notes and document copies are destroyed.
- The mediation agreement and the resulting resolution agreement are not completely confidential, because officials may have to review the agreement to enact its terms.
- The disputant may not request information from the mediator in any future legal proceeding, if the mediation does not resolve the dispute. The ADR Act (5 USC § 574), contains full information.

### ***What is “Good Faith”?***

When parties agree to mediate in “good faith”, they are agreeing to be willing to listen, to share all pertinent information, to keep an open mind, and to be willing to collaborate on mutually satisfactory resolution strategies and terms.

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