

THE BOARD OF REGENTS' INITIATIVE AND POLICY DIRECTION ON CONFLICT RESOLUTION UNIVERSITY SYSTEM OF GEORGIA

Background

The University System's Vision Statement and Guiding Principles recognize the value of constructive conflict resolution. Conflict is a pervasive and normal aspect of all public and private human interaction and organization. It promotes intellectual debate and heralds change, and as such, should be viewed as an opportunity. While there are many ways to resolve conflict, the method chosen should maximize the inherent opportunities while minimizing human, institutional, and social costs. The Board of Regents therefore established a Blue-Ribbon Committee in November 1994 to study the appropriate use of less adversarial, more collaborative methods of conflict resolution in matters involving internal complaints, discipline, and grievances, and external complaints and concerns.

The Regents' initiative and the work of its Blue-Ribbon Committee comport with a broader, national trend institutionalizing methods of alternative dispute resolution ("ADR"):

- ▶ Recent federal legislation directs federal courts and agencies to incorporate ADR processes to reduce the costs and delays of litigation and to create more functional regulation.
- ▶ The federal Civil Rights Act of 1991 and the American with Disabilities Act of 1990 endorse ADR to resolve discrimination and equal access disputes.
- ▶ A majority of states have empowered trial courts to refer matters to ADR for resolution prior to trial and established state-wide offices of dispute resolution to resolve public and community conflicts and facilitate the courts' use of ADR. There are now more than 1200 ADR programs connected to the courts, and the American Bar Association has recently established a specialized Section on Dispute Resolution.
- ▶ Many of the nation's largest private corporations have pledged to use ADR instead of litigation and have revised their internal procedures to incorporate these more collaborative and less costly methods to resolve conflicts.

**THE BOARD OF REGENTS' INITIATIVE AND POLICY DIRECTION ON CONFLICT
RESOLUTION
UNIVERSITY SYSTEM OF GEORGIA, Cont.**

Background, Cont.

The ADR trend in Georgia mirrors the national trend:

- The state Supreme Court has created a coherent plan for the use of ADR in the state's trial courts, including rules empowering trial courts to use ADR, a broadly representative permanent Commission to establish policy, and a state-wide office to assist courts in the implementation. Trial courts in more than fifty counties have ADR programs available, the administration of which is funded by filing fee surcharge legislation passed by the General Assembly.
- The state Supreme Court requires all members of the Georgia Bar, which has formed a specialized Section on ADR, to be educated in this area.
- The Workers' Compensation Board has adopted an ADR system.

More importantly, this trend is reflected in educational institutions, where conflict resolution has emerged as a respected interdisciplinary field for research and teaching. Several prestigious institutions of higher education, including Harvard University, have established ombuds offices and student mediation programs. Legal affairs personnel from the University System of Georgia have been instrumental in forming the new ADR task force of the National Association of College and University Attorneys ("NACUA"), now training mediators.

The University System's potential for ADR leadership is evidenced also by several statewide developments: faculty teaching ADR have formed an inter-institutional consortium; several institutions are rethinking their formal grievance procedures and incorporating mediation processes; and many faculty and administrative leaders have taken mediator training. None too soon: already in primary and secondary schools, in Georgia as well as nationally, students are being taught conflict resolution skills, and some schools are using students to mediate student disputes.

In summary, all such efforts to teach and use alternative dispute resolution are congruent with the Board of Regents' vision and principles for the System. Institutions of higher education are communities that should encourage collegiality, trustworthiness, and collaboration. The resolution of campus conflicts should improve the atmosphere for learning, teaching, research and service; it should maximize benefit and minimize costs; it should stress individual and institutional responsibility, respect collaboration, and accountability; it should embody principles of fairness, equity, and accessibility; and it should serve the community-at-large by providing students with collaborative skills and instilling a sense of personal responsibility that make good citizens and effective leaders.

**THE BOARD OF REGENTS' INITIATIVE AND POLICY DIRECTION ON CONFLICT
RESOLUTION
UNIVERSITY SYSTEM OF GEORGIA, Cont.**

Goals

Accordingly, the Board of Regents' goals are:

- ▶ 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;
- ▶ 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;
- ▶ 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;
- ▶ 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; and
- ▶ To make the University System of Georgia an exemplar and nationally recognized leader in the development of alternative dispute resolution for higher education.

**THE BOARD OF REGENTS' INITIATIVE AND POLICY DIRECTION ON CONFLICT
RESOLUTION
UNIVERSITY SYSTEM OF GEORGIA, Cont.**

Implementation

Since individual institutions within the University System are diverse and have different needs, conflict resolution procedures are likely to vary among them, and no one particular model or set of procedures should be mandated. The alternative processes of dispute resolution designed under this policy direction should complement, not undermine, existing decision-making processes and make existing structures of authority more, not less, effective. While they may require an initial commitment of resources, they should result in significant institutional savings System-wide. Periodic review and improvement should be expected.

The Board of Regents therefore directs that:

1. The Chancellor's Office establish a University System Advisory Committee on Conflict Resolution with the following responsibilities:
 - ▶ Take lead in developing and extending an educational program on conflict resolution to all the institutions in the University System, including focus groups to maximize buy-in on the institutional level and encouraging the institutional development of pilot program proposals;
 - ▶ Recommend a comprehensive plan for a System-wide conflict resolution program, based in part on advice received from institutional focus groups;
 - ▶ Provide advice to the Chancellor's Office on the implementation of that plan.
2. The Chancellor's Office, in consultation with the University System Advisory Committee on Conflict Resolution, implement the following measures toward a comprehensive program of conflict resolution:
 - ▶ Develop and distribute a manual on conflict resolution systems design that includes illustrative models and possible pilot programs;
 - ▶ Create and distribute a directory of resources that includes relevant definitions, bibliography, contacts, associations, neutrals, and trainers;
 - ▶ Consult with institutions on the implementation of policies and procedures in conformance with this initiative;
 - ▶ Develop education and training materials and continuing programs, including use of distance learning technology, on conflict resolution appropriate to the needs of the institutions and the communities they serve, and establish assessment procedures for these education and training programs;

**THE BOARD OF REGENTS' INITIATIVE AND POLICY DIRECTION ON CONFLICT
RESOLUTION
UNIVERSITY SYSTEM OF GEORGIA, Cont.**

Implementation, Cont.

- ▶ Establish appropriate means for identifying, orienting, and contracting with neutral mediators when needed to maintain the integrity of alternative dispute resolution at institutional or System levels;
 - ▶ Compile and maintain data and other information on the use of various means of conflict resolution in the conduct of institutional activity, and help institutions establish assessment procedures for their programs;
 - ▶ Develop policy and practices to address the use of alternate means of dispute resolution in the Chancellor's Office itself, congruent with this policy direction, and including:
 - Designation of an individual as its dispute resolution specialist and liaison to the University System Advisory Committee; and
 - Provision of appropriate training for all involved.
 - ▶ Review all Board of Regents policies and standard contract agreements and recommend to the Board any appropriate amendments congruent with this policy direction.
3. Each institution in the University System develop policy and practices that address the use of alternative means of dispute resolution congruent with this initiative, including the following:
- ▶ Designation of an individual as its institutional dispute resolution specialist and its liaison to the University System Advisory Committee and the Chancellor's Office;
 - ▶ Provision of appropriate training for all involved and;
 - ▶ A review of its standard agreements for contracts, grants, and other assistance, to determine whether to amend them to authorize and encourage the use of alternative means of dispute resolution.