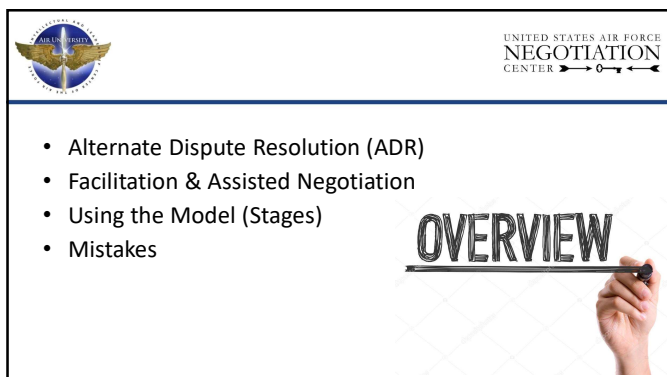





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3



Alternate Dispute Resolution



Administrative Dispute Resolution Act of 1996:


- more creative, efficient, and sensible outcomes
- prompt, expert, and inexpensive means

Department of Defense Instruction 5145.05


- establish and implement ADR program

DAF Instruction 51-1201 Negotiation & Dispute Resolution Program (2023)


- promote/expand the use of ADR/conflict management practices, including elimination of barriers



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Alternate Dispute Resolution




• Goals:


- Reduce disruptive/damaging disputes
- Assist Commanders/Leaders

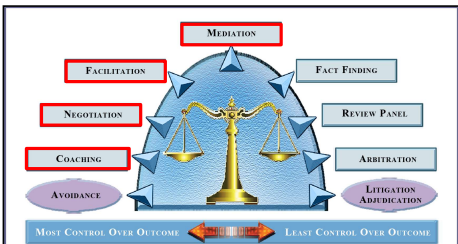


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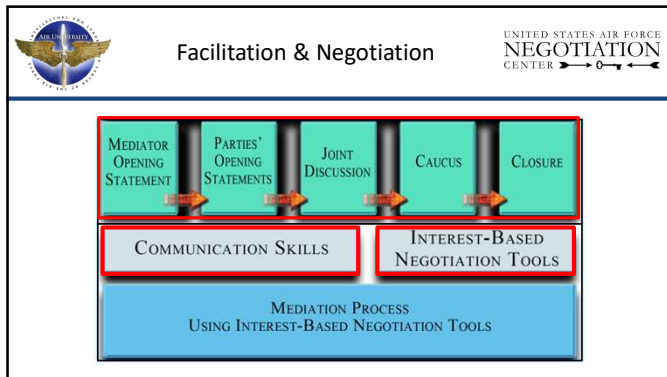


Alternate Dispute Resolution





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Facilitation & Negotiation

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- An interest-based negotiation approach (IBN)
- Exchange information & ideas
- Mutually-beneficial solutions
- Options for mutual gain!
 - A facilitator uses interest-based problem solving to:
 - help the parties identify positions, but understand / focus on interests!

8

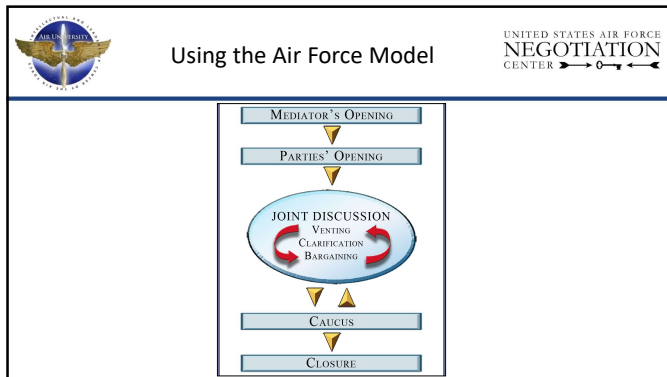
Using the Air Force Model

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- Your Role?

Drilling down to underlying interests / issues


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10

 **Opening?** 


- How much pre-information?
- Setting up the room
 - Table
 - Who sits where
- Greeting the parties




11

 **Your Opening Statement...** 


- Why should you do an opening statement?



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Your Opening Statement...




- Your first formal contact with the parties
 - Sets the tone
 - Builds trust and credibility
 - Ensure parties understand:
 - The process
 - Your role
 - Ground rules

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Your Opening Statement...



OPENING STATEMENT CHECKLIST

☐ Thank both parties for being here!

☐ Silence all electronic devices

☐ Have you set aside sufficient time? (How much time?)

☐ Self-Determination: Today I am NOT here to impose a decision!

☐ I will attempt to maintain neutrality with regard to who is right/wrong

☐ Your Role? Facilitate Discussion, their role (open communication)

☐ Today, (You are empowered!)

- I will help guide the process / Assist with communication

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Parties' Opening Statement...




- Why do we want the parties to do an opening statement?



IMPORTANT

15




Parties' Opening Statement...




- Length of Opening Statement
- "Uninterrupted"
- Questions?




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Parties' Opening Statement...




- Start to identify the issues:
 - ☐ Active listening begins here!
 - ☐ Listen to the positions, past events, but consider how to uncover interests / issues
 - ☐ What questions could you ask? How can the parties begin to move forward?
 - ☐ Parties begin to listen to each other (With your help)
 - ☐ See First Bullet!




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Transition to Joint Discussion




- Summarize
- Share some of what you heard
- Ask follow-up questions?




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Joint Discussion




- Ask clarifying questions
- Find out what's going on below the surface
 - Don't ignore positions, but help them understand underlying interests
- Use active listening skills
- Take appropriate notes




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Joint Discussion




- You're a buffer
- Encourage questions and discussion between parties
- Suspend/control judgement
- Gauge parties' ability to interact
- Active Asking!
- Consider when to Caucus
(Private Session)




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Private Meeting




- An optional meeting between you and one party at a time
- Arrange a separate waiting area for other party
- If you have a private meeting with one party, why have a private meeting with the other?




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Private Meeting




- When should you have a private meeting?
 - At impasse
 - You're losing control
 - Party needs to cool-off and re-focus
 - At the request of one or both parties
- It's a tool, not a routine step...



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Private Meeting




- Why would privacy be needed?
 - Party may be reluctant to share information
 - You may need to "Reality Test"
 - Generate ideas by asking "what if" questions
 - Coach the parties. Encourage productive listening
 - Close by asking: "Anything you don't want me to share?"

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Facilitation



Mistakes:


- Not remaining Neutral!! (Perception is everything!)
- Attempting to advocate/push a solution/solve the problem
- Drawing incorrect assumptions/conclusions
- Allowing the parties to "always" speak to you?
- Lack of patience
- Uncomfortable with emotions (Reacting)
- Squashing communication

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“I can win an argument on any topic,
 against any opponent. People know this,
 and steer clear of me at parties. Often, as
 a sign of their great respect, they don’t
 even invite me.”



Dave Barry


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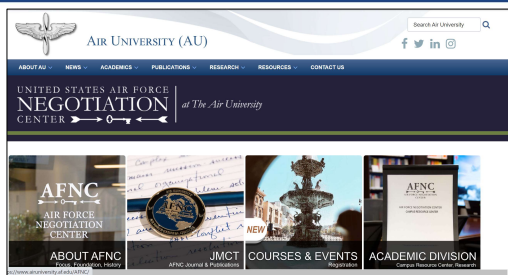
Test

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AFNC Website




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- Alternate Dispute Resolution (ADR)
- Facilitation & Negotiation
- Using the Model (Stages)
- Mistakes



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