Dispute Resolution Skills for Supervisors and Managers

FM Manager/Supervisor Training - Spring 2013
Warren Hills, Ph.D
“What made you really angry?”
“How did ‘angry’ feel?”
“Relationships” of Conflict

• People you work for
• People who work for you
• People you work with
• Internal customers (employees)
• External customers (students)
• General public
• Vendors

• Spouses
• Children
• Family
• Neighbors
• Business/Customer relationships
• People you encounter
• People you don’t
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Agenda

• Definitions for “anger” and “conflict”
• Introduction to ADR processes
• Explore Personal Styles for Dealing with Conflict
  - Kraybill Conflict Style Indicator
• Models for Mediation
  - ID “Best Practices” everyone can use
• ADR Video Presentation
• Practice with role play . . . Feedback
• Resources
Our training materials and presentation are based in part on the Michigan Community Dispute Resolution Program, sponsored by the Michigan’s State Court Administrative Office.

Thanks to Conflict Resolution Services of Northwestern Michigan, the Dispute Resolution Center of West Michigan, and Dispute Resolution Services (Kalamazoo).
Conflict Constructs:

- Transaction (Behavior)
- Interpretation (filters)
  - Sensation
  - History and beliefs
- Emotion
- Reaction (Behavior)
... And what about “anger”
Dealing with Anger . . . (years 2-5)

Beliefs:
• I have been accused – falsely or not
• I have a reason to feel frightened
• I have treated unfairly – cheated
• I am not valued
• I am powerless – I have no control
• I have been disrespected
• I am unlovable
“Conflict is when one’s wants, needs and expectations clash with another’s”
**The high costs of conflict:**

- 42% of managers’/supervisors’ time spent dealing with conflict
- Lost revenue from non-productive staff time
- Excessive turnover (75-100% of salary)
- 65% of employee performance problems caused by personal conflicts
- High levels of absenteeism
- “Presenteeism” low – low morale
- High incidence of damage/theft
- Covert sabotage because of employee anger
A very common belief is that conflict is inevitable . . .

So why don’t we resolve disagreement as they arise?

“The bible says ‘The truth will set you free’, but first it is really going to piss you off.”

Gloria Steinem
What gets in our way? (5 things)

1) Fear

What do we fear in conflict?

“Do one thing everyday that scares you”

Eleanor Roosevelt
What gets in our way?

2. **Blame**

   Either assigning it to others or accepting it personally too quickly

   Why do we blame?
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What gets in our way?

3. **Assumptions**
   We fill information voids with assumptions - This can lead to bias, prejudice, false attributions

Breaking assumptions
   a) Consider that there is a good reason for someone’s actions
   b) Ask questions in a non-confrontational way
   c) **LISTEN** to the answers

*Don’t believe everything you think!*
What gets in our way?

4. Habits

Learned early on

What works and what doesn’t work

Practiced over time
What gets in our way?

5. **Cultural differences**

  Communications – direct or indirect

  Tolerance for uncertainty – high or low

  Power – perceived/real – high/low

  Identity – individualist or collectivist

  Time – short term or long term
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CONFLICT MANAGEMENT OPTIONS

Avoid the Conflict  Talk about it & Problem Solve  Negotiate  Mediate  Top Down Decision by Authority  Outsider Makes Decision  Court  Law, i.e. Legislative Decision  Non-violent Action  Violent Action

People Involved in Coming to Their Own Decision  Third Party Decides  Legal Decision by a Third Party  Forced Decision may be Extra-legal

INCREASED COERCION AND LIKELIHOOD OF WIN/LOSE OUTCOME
INCREASED COST IN TIME, ENERGY, MONEY
DECREASED EMPHASIS ON RELATIONSHIP

INTERESTS  RIGHTS  POWER
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Definitions:

Positions -

A statement of what a party wants. It represents just one way the party's needs or interests can be met. Positional bargaining usually involves blame and demands. It often offers only the possibilities of a win/lose solution or of a compromise of both positions.
**Needs and Interests**

May be short or long term stable concerns underlying a position. Needs and interests have to do with basic things: time, money, space, reputation, security. There are usually many ways to satisfy a need or interest. Interest based negotiation allows parties to work together to solve the problem in a way that meets the most important needs of both groups.
Rights -
A just or fair claim to anything whatever; power or privilege that belongs to a person by law, nature, or tradition.

Power -
The ability to do or capacity to act; the ability to control others; authority; sway; influences; physical force or energy.

Values -
Deeply held beliefs - religious, ideological, cultural. Values must be understood and taken into account, but cannot be changed by negotiation. Behaviors stemming from values may be the subject of negotiations.
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Kraybill Conflict Style Inventory
Facilitative Model #1:

(Community Dispute Resolution Program: Mediator Skills-Building Training – Josh Stulberg & Lela Love, 1997)

**BADGER** Mediation Process

1. **Beginning the Mediation**
2. **Accumulating Information**
3. **Developing the Agenda**
4. **Generating Options**
5. **Escape to Separate Meetings**
6. **Resolving the Dispute**
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Facilitative Model #2:

Mediation in the Campus Community – (William Warters, 2000)

1. Setting the Stage
2. Uninterrupted Time
3. Focusing the Issues
4. The Exchange
5. Generation Potential Solutions
6. Agreement Building and Writing
1. Setting the Stage

- Prepare the environment*
- Do introductions
- Explain the process and ground rules*
- Share expectations
2. **Uninterrupted Time**

- Listen to each party
- Manage the process
- Make notes on the issues (issue definition)
Listening Exercise
• Did Love get to work on time? What time did her carpool leave?

• Name one person in Love’s carpool?

• What injuries did Love sustain?

• Did Love’s lawyer tell her she could get damages for her injuries?

• Whose umbrella did Love trip over?

• What type of job did Love have?

• Did Love call Stulberg or see her lawyer first?

• What relationship do Love and Stulberg have?
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How to listen:

• Stop talking
• Get rid of distractions
• Don’t judge prematurely
• Listen for key ideas
• Ask honest questions
• Paraphrase to confirm that you have heard
• Suspend your own thoughts
• Put yourself in their shoes
• Trust that they are speaking the truth from their perspective
3. Focusing the Issues

• Summarize and clarify main issues
• Prepare written agenda* – get agreement
• Choose the best place on the agenda to start
Negotiations Skills Exercise
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Mapping A Conflict

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Who carries out What specific tasks? How and When will these be evaluated?
Effective negotiations:

• Better solutions that work for both parties
• Greater likelihood of compliance by both sides
• An improved relationship
(Positive) Negotiation Assumptions:

• Both parties have “rights”
• Both parties have legitimate “interests”
• Negotiations can enhance relationships
• Solutions can be mutually satisfying
• Mutual gains are possible – this process does not have to be “win-lose”
• Parties should help each other achieve a positive result
• Full disclosure of information/honesty is key
(Positive) Negotiation Principles:

- Focus on interests, not positions
- Invent options for “mutual gain”
- Use objective criteria
- Separate “personalities” from problems
4. The Exchange

- Encourage dialog on the issues
- Encourage parties to speak to each other*
- Listen/acknowledge points of agreement
- ID concerns that cannot be changed
5. Generating Potential Solutions

• Summarize issues that can be addressed
• Facilitate brainstorming and problem-solving
• Use “private meetings” for a purpose with confidentiality and balance
6. Agreement Building and Writing

- Specify the points of the agreement
- Provide a “reality check” when necessary
- Write down the terms of the agreement*
- Wrap up the meeting including thanks/congratulations
Demonstration video from *Conflict Resolution Services* in Traverse City, MI

- Note the steps in ADR process
- Note “interests” vs. “positions”
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Role Play

(Break Time)
FROM NOW ON, I WANT YOU TO STAGGER YOUR LUNCH HOURS SO SOMEONE IS ALWAYS HERE.

GAAA! AS THE LOWEST PERSON IN THE PECKING ORDER, I WILL NEVER KNOW IN ADVANCE WHEN I CAN EAT!!

SHEESH, TAKE A PILL.

IT IS THE END OF ERRANDS AS I KNOW THEM!!

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**Resources:** (The “Big 8”)

1) FM Labor Relations
2) WMU Human Resources Representative(s)
3) Labor Relations (WMU HR)
4) Chief HR Officer (WMU HR)
5) HelpNet Employee Assistance Program
6) CEDRS (Campus Employee Dispute Resolution Services)
7) OIE (Office of Institutional Equity)
8) Dispute Resolution Services (Kalamazoo)
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http://www.gryphon.org/DisputeResolutionServices.html
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Web Reference Sites:

http://www.campus-adr.org/

http://www.mediate.com/
Michigan’s State Court Administrative Office
Dispute Resolution Programs

1) (40 hour) Training for Community Mediators
2) (40 hour) Training for “Court Rule” Mediators


Michigan CDRP Centers
Mediation Specialties:

U.S. Postal Service – *Redress I and II*
Mich. Dept. of Civil Rights/EEOC
Divorce
Domestic Violence
Real Estate
Insurance
Agriculture
Education Services (Special Edu)
Thanks for your participation!