Guidelines for Using the “Agency ADR Assessment & Planning Tool”

Introduction -- The following guidelines are intended to assist the Agency ADR Coordinator in assessing his/her agency’s dispute resolution situation and needs. The goal is to aid the development of an ADR plan for the agency. These guidelines should be used in conjunction with the “ADR Assessment & Planning Tool” that starts on page .

Prior to Beginning the Assessment

It is advisable that before beginning this assessment, the ADR Coordinator meet with individuals within his/her agency that:

a) are responsible for dealing with agency conflicts;
b) will be directly affected by the agency’s ADR Plan; and
c) can be a significant support for, or barrier to, implementation of the Plan.

The purpose of these meetings should be to:

◊ explain the purpose of Executive Order 87-02 and the ADR Coordinator’s role,
◊ explain what the ADR Assessment and Plan are,
◊ request their assistance and input in:
  § gaining information about various kinds of conflicts they deal with, and
  § completing and implementing an ADR Plan for the agency.

How to Use the ADR Assessment & Planning Tool

The tool can be used in a variety of ways, giving the ADR Coordinators flexibility to use it in ways that are comfortable and appropriate for their agency. Some may use the Assessment & Planning Tool to guide their thinking and conversations only -- without creating a document -- while others may distribute these questions to other important people within the agency for written responses. (Consider whether the creation of an “ADR Task Force” or the use of focus groups to gather information would be useful or appropriate for your agency.)

Some questions are more difficult to answer than others. The level of detail needed to answer the question is dependent upon your needs and what is appropriate for your agency.

The information gathered through this assessment may be sensitive in nature and must be handled with discretion. To make this tool more comfortable to use, please avoid using personal names and instead refer to job titles, positions, or sections within the agency.

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1 This guidance document draws heavily from the experience of both Massachusetts and Oregon. The Massachusetts Office of Dispute Resolution drafted the template for this form.
Problems, Conflicts and Disputes -- Often, a distinction is made between “problems” “conflicts” and “disputes.” Usually, disputes are considered to be conflicts that have crystallized to the point where the parties and issues can be clearly identified, such as in an administrative hearing or court action. “Problems” are challenges involving or impacting on others that may, if not addressed, develop into conflicts or disputes. For the following set of questions, we suggest you examine “conflicts,” as well as the more narrowly defined “disputes.”

I. ADR AGENCY ASSESSMENT

1. What is the agency’s mission?

In other words, what does the agency do and why does it do it? In agencies where there are dissonant views of the mission, there are usually differing views of how conflicts should be handled. Is there a shared understanding of what the agency does, both within and outside the agency?

2. Does the agency have any policies, procedures, laws or regulations regarding the use of ADR?

Are mediation or arbitration, for example, required or recommended in certain situations? Does the agency have parameters within which ADR must be used? Does the agency have standard language placed in their final agency actions that references Chapter 120 Mediation? How much flexibility to negotiate does your agency have?

3. List the various types of conflicts the agency experiences. Are they internal to the agency or do they involve external parties? Are they between employees? Between supervisors and staff? Are there conflicts between the agency and its customers or constituents. Do they occur in “the public eye”? Do they often involve media coverage? Roughly estimate the number of each type of conflict the agency might experience in one year.

4. Using whatever general measure you choose, how much time is spent on each type of conflict? Depending on your needs, this can be measured specifically, as in the number of staff hours, or in a general way, such as a percentage of staff time, or in relation to other agency activities. (For example, “We spend twice as much time dealing with administrative appeals than with all of our other casework.”) What types of conflicts are the most disruptive to the agency? What types of conflicts are recurring?

5. In each type of conflict, does your agency play the role of: a) disputant, b) interested third-party, c) enforcer of laws or regulations, d) other? The role your agency plays will help determine whether ADR options are appropriate and, if so, how those options should be structured.

6. For the most disruptive and/or recurring conflicts, who are the disputing parties? For each type of conflict on your list, identify the parties that are typically involved in the conflict. Depending on the conflicts, some likely answers might include citizens’ groups, attorneys, other public agencies. Also, examine the parties inside your agency -- internal parties might include human resources staff, legal counsel for the agency, executive director or agency head, for example. How organized are they? Are the external parties organized groups, such as citizens groups or unions? Are there other parties that frequently have a
stake in the outcome of these conflicts? Do other agencies or groups frequently have an interest in, or play a role in, the resolution of these conflicts?

7. For the most disruptive and/or recurring conflicts, what conflict resolution methods does your agency typically use? This question refers to the forums in which conflicts are resolved. For example, do they get resolved by a supervisor’s decision? By the Secretary’s decision? by the courts? in mediation or arbitration? by reference to DOAH? Are most disputes resolved informally without resort to court or administrative remedies? Are there formal negotiations? Who makes decisions about which conflict resolution forum to use? It is important to note that the person who chooses the forum may not be the same person(s) with authority to settle the conflict. Why does your agency use these methods? For example: time, cost, history, consistency with mission, etc.

8. Do these conflicts get resolved? Do the resolutions last? Are the disputants generally satisfied with the resolutions? Using your best judgment, assess the quality of the results. What percentage of the conflicts are resolved (meaning the parties accept the resolution and the resolution lasts)? What percentage recur or continue to be fought in another forum (i.e. the courts, the media)?

9. For the most disruptive and/or recurring conflicts, what are the costs involved? staff time? expenses? Using your best judgment, estimate the costs involved for your agency. What are the monetary costs? How much time does it take? These questions seek to identify the tangible (money, promotions, and reinstatements) and intangible effects (bad publicity, interdivisional bickering, “turf wars”, morale problems). What effect do the results have on ongoing relationships? Think about relationships within and outside of the organization. on the organization’s mission? Do the results serve the mission or do they undermine it?

10. What is the earliest point and/or lowest level at which the agency regularly handles conflicts? Are there practices or systems in place to identify potential conflicts early? Some agencies have procedures or practices for screening certain types of cases.

11. Are agency meetings, both public and internal, effectively planned and facilitated? Are meetings productive, well-managed, and satisfying? Does everyone participate in the discussions? Do discussions stay on track? Are the goals of the meetings met?

12. Has the agency provided or sponsored training for its staff in meeting facilitation, negotiation, mediation, or some other aspect of ADR? What staff were trained? Who provided the training, in-house or external professional training. Were the trainings effective and useful to your agency?
II. PLANNING

The following questions are provided to help in the creation of an Agency ADR Plan, AFTER completing your assessment.

A. Having assessed the way conflict is handled in your agency, what is working well? What could be working better? What is missing?

B. What are the most important goal(s) for using ADR in your agency? Examples might include: building better relationships with the public, spending less staff time in adjudicatory proceedings, fostering better communications among staff, building better relationships with other agencies or the public.

C. How might ADR processes be used most effectively in your agency?

D. What obstacles or barriers to implementing ADR can you anticipate? Think about who may gain power and who may lose power if changes occur?

E. What resources, both within and outside your agency, are available for your use? Identify individuals in your agency who are “champions” of ADR? How will you use these resources in: a) the ADR assessment, b) the creation of an agency ADR plan, c) designing an ADR system for your agency, d) providing intervention, mediation, facilitation, regulatory negotiation or some other ADR services.

F. How can your agency build its in-house capacity and improve its understanding of ADR? What will be the role of the ADR Coordinator? Will there be an ADR Task Force or Committee?

G. Is there an interest or need for ADR training? If yes, what kind of trainings?

H. What systems or practices will the agency use to identify and review conflicts/disputes for ADR potential? What types of conflicts/disputes would such a system address? Describe how such an identification and review system would work. Who will implement this system or practice? How often will assessments take place? What will be the role of the ADR Coordinator in such a system? Will there be an ADR Task Force or Committee?

I. What benchmarks will you use to measure the success of your plan?
Executive Order #87-02
ADR Report & Plan

General Agency Information

1. Name of Agency: ______________________________________
2. Name of Department Secretary _________________________
3. Name of ADR Coordinator: ______________________________
Date of Submission: _________________________

Please answer the following questions after assessing your agency’s ADR needs. There are comment boxes throughout the document and at the end of each section in which you may elaborate on or explain your answers. If you have questions, please feel free to contact

Part I: Report on Current Status of ADR

(Use this section to report on current situation or ADR activities of the past year – July, 2001-June, 2002)

Types & Sources of Conflict

1. Which of the following were sources of conflicts for your agency in the past year? (select as many as apply)

   A. External
      ☐ procurement of goods & services by your agency
      ☐ contractor/vendor services on behalf of your agency
      ☐ appeals of administrative or adjudicatory decisions
      ☐ agency case management issues with consumers/clients
      ☐ enforcement of rules, regulations or laws
      ☐ external policy development/ rule-making
      ☐ consumer complaints
      ☐ issues between your agency and a member or members of the public
      ☐ other external matters (please describe) _______________________

   B. Internal
      ☐ personnel matters
      ☐ case management procedures
      ☐ conflicts between/among programs, managers, or divisions
      ☐ conflicts over resource allocation
      ☐ internal policy development
agency structure/jurisdictional issues
• issues between government agencies
• other internal agency matters (please describe) ________________

Cases

2 a) Taking all of the areas of conflict you identified in #4 above, roughly how many matters became formal “cases” that involved your agency as a party? Consider a “case” to be a controversy or dispute in which a party has taken action to bring the matter to court or to an adjudicatory, administrative, or grievance hearing.

<table>
<thead>
<tr>
<th>Matter Type</th>
<th># of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>litigation; agency as defendant</td>
<td></td>
</tr>
<tr>
<td>litigation; agency as plaintiff, enforcer, collector</td>
<td></td>
</tr>
<tr>
<td>adjudicatory/administrative hearing</td>
<td></td>
</tr>
<tr>
<td>grievance ruling</td>
<td></td>
</tr>
<tr>
<td>do not know</td>
<td></td>
</tr>
</tbody>
</table>

b) For these cases, was information collected on any of the following? (select as many as apply)

- number of cases
- process used to resolve
- disposition or outcome
- cost to settle or resolve
- time to settle or resolve
- customer/participant satisfaction with process
- customer/participant satisfaction with outcomes
- do not track any data
- do not track any data, but we would like to
- not sure if any data is tracked
- other data (please describe) __________________________

Alternative Dispute Resolution

3 a) Did your agency use ADR in the past year in attempt to resolve any matter?

- yes
- no
- not sure

b) If yes, which ADR process(es) did your agency use?

<table>
<thead>
<tr>
<th>Process</th>
<th># of matters</th>
</tr>
</thead>
<tbody>
<tr>
<td>negotiation</td>
<td></td>
</tr>
<tr>
<td>arbitration</td>
<td></td>
</tr>
<tr>
<td>administrative mediation (Chapter 120)</td>
<td></td>
</tr>
</tbody>
</table>
• judicial mediation (Chapter 44) _______
• conciliation _______
• facilitated rule development (Chapter 120.54) _______
• reg-neg or negotiated rulemaking (Chapter 120.54) _______
• partnering _______
• consensus-building _______
• other (please specify): ___________________ _______

4. a) If your agency used ADR in the past year, was information collected on any of the following? (select as many as apply)

☐ number of cases
☐ process used to resolve
☐ disposition or outcome
☐ cost to settle or resolve
☐ time to settle or resolve
☐ customer/participant satisfaction with process
☐ customer/participant satisfaction with outcomes
☐ do not track any data
☐ do not track any data, but we would like to
☐ not sure if any data is tracked
☐ other data (please describe) __________________________

b) If some information was collected, who tracked information about these cases? (identify by position, not name) _________________

5. a) To the extent that information is available, did the use of ADR result in overall benefit to your agency relative to litigation or hearings?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>it saved staff time</td>
<td>___</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>it saved money</td>
<td>___</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>it produced outcomes that better satisfied participants</td>
<td>___</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>it produced outcomes that better met the agency’s policy goals</td>
<td>___</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>it produced greater participant satisfaction with the process</td>
<td>___</td>
<td>___</td>
<td>___</td>
</tr>
<tr>
<td>it enhanced relationships</td>
<td>___</td>
<td>___</td>
<td>___</td>
</tr>
</tbody>
</table>

b) Please explain your responses. ____________________________
________________________________________________________

c) If your agency used ADR in the past year, what other results, beneficial or not, has
your agency realized by its use?

____________________________________________________________

____________________________________________________________

**Dispute Resolution Systems**

6   a) In the past year, did your agency use a systematic method for assessing conflicts for ADR potential?

- yes
- no
- not applicable
- not sure

b) Please describe or explain: ______________________________________________________

____________________________________________________________

7  a) In the past year, did your agency have an ADR program to deal with specific kinds of recurring disputes?

- yes
- no
- not applicable
- not sure

b) Please describe or explain (including the statutory basis, etc.):

__________________________________________________________________________

__________________________________________________________________________

**ADR Training**

11  a) Did the staff of your agency receive any ADR-related training sponsored by your agency in the past year?

- yes
- no
- not applicable

b) If so, how many of your staff received ADR-related training sponsored by your agency in the past year?

<table>
<thead>
<tr>
<th>Skill</th>
<th># trainings</th>
<th># staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>negotiation skills</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>conflict resolution skills</td>
<td>_______</td>
<td>_______</td>
</tr>
<tr>
<td>mediation training</td>
<td>_______</td>
<td>_______</td>
</tr>
</tbody>
</table>
• facilitation skills __________ ________
• consensus-building skills __________ ________
• other (please specify): __________ ________ ________

c) Approximately, what was the cost of ADR trainings provided in the past year? ________

ADR Rules
12 a) Besides the Executive Order #02-87, does your agency have any statutes, rules, policies or procedures regarding the use of ADR? (select as many as apply)
☐ statutes
☐ rules
☐ policies
☐ procedures
☐ other
☐ none
☐ not sure

b) If yes, please describe: __________________________________________________________

ADR Needs Assessment
13 a) Did your agency do an ADR needs assessment as part of this planning process?
☐ Yes
☐ No
☐ Not sure

b) If yes, did your agency use the ADR Assessment & Planning Tool provided by FCRC?
☐ Yes
☐ No
☐ Not applicable

c) If your agency used the ADR Assessment & Planning Tool, was it helpful in developing your agency’s ADR Plan?
☐ Yes
☐ No
☐ Not applicable

14. Please use the space below to elaborate on any aspect of your answers to Part I: Report
on Current Status of ADR.
Part II: Agency ADR Plan for FY02

(Use this section to describe your plan for using ADR in your agency in this fiscal year – July, 2002- June 2003. This can be a tool for a consultative strategic planning process with agency management.)

1. What types of disputes/conflicts will be priority areas for using ADR in the coming year? (please select up to FIVE and rank them from highest priority (1) to lowest priority (5).

   A. External
   _____ contracting/procurement issues
   _____ provider/vendor issues
   _____ appeals of administrative or adjudicatory decisions
   _____ agency case management issues with consumers/clients
   _____ enforcement of rules, regulations or laws
   _____ external policy development/ rule-making
   _____ consumer complaints
   _____ issues between your agency and members of the public
   _____ other external matters (please describe) ____________________

   B. Internal
   _____ personnel matters
   _____ case management procedures
   _____ conflicts between programs, managers or divisions
   _____ conflicts over resource allocation
   _____ internal policy development
   _____ agency structure/jurisdictional issues
   _____ issues between government agencies
   _____ other internal agency matters (please describe) _______________

USING YOUR TOP PRIORITY AREA (THE ITEM RANKED #1 IN QUESTION 1 ABOVE), PLEASE ANSWER QUESTIONS 2 - 6 IN THE SHADED AREA BELOW.

2. a) Approximately, how many conflicts of this type does your agency currently handle in a typical year? _______

   b) Approximately, how many of these result in litigation or adjudicatory, grievance, or administrative hearings in a typical year? ______

   c) Typically, how many parties are involved in these conflicts?
   - only two disputing parties
   - more than two disputing parties

   d) Typically, do these conflicts attract media interest?
   - no media interest
   - local media interest
e) On average, how long are these conflicts pending before getting resolved?
- less than one year
- between 1-2 years
- between 2-3 years
- more than 3 years

f) Who are the agency staff currently responsible for making decisions about these conflicts? (select as many as apply)
- agency head
- human resources director or staff
- agency counsel or legal staff
- agency head
- supervisor, manager, or executive officer
- customer service/program staff
- other (please describe) ________________________________

g) Generally, what procedures are currently followed in handling these conflicts? (select as many as apply)
- internal consultation with agency management or counsel
- informal meeting with the parties
- investigation
- development of a policy or action plan
- union grievance procedures
- agency decision/action
- rulemaking
- formal hearings
- negotiation
- referral to an alternative dispute resolution (ADR) process
- other (please describe) ________________________________

h) Is there a regular step built into the above procedures for assessing these conflicts for their ADR potential?
- yes
- no
- not sure

i) How are these conflicts typically resolved? (Give percentages)

<table>
<thead>
<tr>
<th>% of cases</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>agency action/decision</td>
<td>______</td>
</tr>
<tr>
<td>case dismissed or withdrawn</td>
<td>______</td>
</tr>
<tr>
<td>informal settlement discussions</td>
<td>______</td>
</tr>
<tr>
<td>formal negotiations</td>
<td>______</td>
</tr>
<tr>
<td>settled with ADR (third-party assistance)</td>
<td>______</td>
</tr>
<tr>
<td>resolved at adjudicatory hearing</td>
<td>______</td>
</tr>
</tbody>
</table>
• resolved in court
• not resolved
• other (please describe)

j) If ADR is typically used in these conflicts, which process or processes are currently being used? (select as many as apply)
- none [skip to Question #3]
- negotiation
- arbitration
- mediation
- conciliation
- facilitation
- partnering
- consensus-building
- reg-neg or negotiated rulemaking
- other (please specify):

k) What data, if any, does your agency currently track about the use of ADR for these conflicts? (select as many as apply)
- settlement rates
- customer/participant satisfaction with process
- customer/participant satisfaction with outcomes
- costs data
- data on time spent
- do not track any data
- do not track any data, but we would like to
- not sure if any data is tracked
- other data (please describe)

3. What are the most important goal(s) for using ADR in your priority area for the coming fiscal year? (select as many as apply)
- reducing the number of conflicts/disputes
- reducing the time spent resolving conflicts/disputes
- reducing the expense of resolving conflicts/disputes
- increasing customer/stakeholder satisfaction with agency services
- increasing customer/stakeholder satisfaction with dispute outcomes
- maintaining or improving relationships within the agency
- maintaining or improving relationships with customers/stakeholders
- maintaining or improving relationships with other agencies
- other (please specify)

4. Please describe how your agency will systematically review these conflicts/disputes for ADR potential? (i.e. Who will implement this system or practice? How often will assessments take place? What will be the role of the ADR Coordinator in such a system? At what stage in
5. a) Once ADR is determined to be appropriate, how does your agency plan to use ADR for these conflicts/disputes? (select as many as apply)

- will develop an ADR program or system for resolving certain kinds of recurring disputes.
- will continue using an on-going ADR program or system.
- will use collaborative problem solving processes like consensus-building, negotiated rulemaking, reg-neg, etc.
- will offer ADR skills training to staff.
- will use agency staff to resolve conflicts.
- will use MODR ADR services.
- will contract with outside ADR consultants.
- other (please describe) ___________________________________________________________________

b) Please describe in more detail your agency’s plans for implementing ADR for these types of conflicts/disputes. (i.e. Who will implement this plan? What will be the role of the ADR Coordinator in such a plan?)

________________________________________________________________________________________

________________________________________________________________________________________

6. What information will you collect to determine how well your agency has met its ADR goals for the coming year? (select as many as apply)

- settlement rates
- customer/participant satisfaction with process/outcomes
- staff satisfaction with process/outcomes
- costs data
- data on time spent
- informal feedback from staff
- other data (please describe) ___________________________________________________________________

7. a) What are your agency’s plans for systematically identifying and reviewing conflicts/disputes for ADR potential? (select as many as apply)

- plan to establish a system or practices for identifying and reviewing matters for ADR potential.
- plan to continue our current system or practices for identifying and reviewing matters for ADR potential.
- plan to improve or expand our current system or practices for identifying and reviewing matters for ADR potential.
- other (please describe) ____________________________________________________________________
b) Please describe how this review system will work. (i.e. Who will implement this system or practice? How often will assessments take place? What will be the role of the ADR Coordinator in such a system? At what stage in the conflict/dispute will the review take place?) _______________________________________________________

8. a) How does your agency plan to use ADR generally in this fiscal year? (select as many as apply)
   ☐ will develop an ADR program or system for resolving certain kinds of recurring disputes.
   ☐ will continue using an on-going ADR program or system
   ☐ will use collaborative problem solving processes like consensus-building, negotiated rulemaking, reg-neg, etc.
   ☐ will offer ADR skills training to staff.
   ☐ will use agency staff to resolve conflicts
   ☐ will use MODR ADR services
   ☐ will contract with outside ADR consultants
   ☐ other (please describe)
   _______________________________________________________

   b) Please describe in more detail your agency’s plans for implementing ADR. (i.e. What kinds of disputes, in addition to your agency’s priority area, will be targeted? Who will implement this plan? What will be the role of the ADR Coordinator in such a plan?)
   _______________________________________________________
   _______________________________________________________
   _______________________________________________________

9. How does your agency plan to build its in-house capacity and improve its understanding of ADR? (select as many as apply)
   ☐ will gather information on the agency’s conflicts/disputes and how they are currently being handled
   ☐ will convene senior staff of the agency to review conflict/dispute information and identify possible areas for using ADR
   ☐ will explore with staff ways of using ADR more widely
   ☐ will establish an ADR Task Force to implement ADR more widely
   ☐ will provide ADR training to staff
   ☐ will identify and utilize staff with expertise in mediation
   ☐ will identify and utilize staff with expertise in facilitation and consensus-building
   ☐ will establish an ADR program for recurring disputes
   ☐ other (please specify): ________________________________

10. a) Do you plan to provide training for agency staff in some aspect of ADR in the coming year?
   ☐ yes
   ☐ no
   ☐ not sure
b) If so, what kind of training? (select as many as apply)
   - negotiation skills
   - mediation training
   - facilitation skills
   - consensus-building skills
   - other (please specify): ____________

c) Please describe the specific goals of the training and the type of staff to be trained:
   __________________________________________
   __________________________________________

11. What obstacles or barriers to implementing ADR do you anticipate? (select as many as apply)
    - lack of information about kinds of conflicts/disputes the agency faces
    - lack of funding
    - lack of time/staff to examine usual procedures
    - unfamiliarity with ADR of agency management
    - unfamiliarity with ADR of agency staff
    - incompatible with agency procedures
    - resistance from agency clientele
    - other (please describe) ________________________________

12. a) What funding and other resources, both within and outside your agency, could be used to support ADR activities? (select as many as apply)
    - agency budget (e.g. litigation or training budgets)
    - user fees
    - MODR services
    - collaboration with other agencies
    - professional development opportunities
    - in-house resources (e.g. staff expertise)
    - grants or foundation funds
    - not sure
    - other (please describe) ________________________________

   b) How will you use these resources? (Please describe) ____________
      __________________________________________

13. Does your agency have plans to develop any statutes, rules, policies or procedures regarding the use of ADR? (select as many as apply)
    - statute
    - rule
- policies
- procedures
- none
- not sure
- other

b) If yes, please describe: ________________________________

____________________________________________________

14. Please use the space below to elaborate on any aspect of your answers to Part II: Agency ADR Plan.

Thank you for your efforts
Agency ADR Assessment & Planning Tool

(This Assessment Tool is for internal agency* use as an aid in developing an ADR Plan for your agency. It is recommended that it be used in conjunction with the “Guidelines for Using the Agency ADR Assessment & Planning Tool”)

I. ASSESSMENT

1. What is the agency’s mission? Is there a shared understanding of what the agency does, both within and outside the agency?

2. Does the agency have any policies, procedures, laws or regulations regarding the use of ADR?

3. List the various types of conflicts the agency experiences. Roughly estimate the number of each type of conflict the agency might experience in one year.

4. Using whatever general measure you choose, how much time is spent on each type of conflict? What types of conflicts are the most disruptive to the agency? Which types of conflicts are recurring?

5. In each type of conflict, does your agency play the role of: a) disputant, b) interested third-party, c) enforcer of laws or regulations, d) other?

6. For the most disruptive and/or recurring conflicts, who are the disputing parties? How organized are they? Are there other parties that frequently have a stake in the outcome of these conflicts?

7. For the most disruptive and/or recurring conflicts, what conflict resolution methods does your agency typically use? Who makes decisions about which conflict resolution forum to use? Why does your agency use these methods?

8. Do these conflicts get resolved? Do the resolutions last? Are the disputants generally satisfied with the resolutions?

9. For the most disruptive and/or recurring conflicts, what are the costs involved? staff time? expenses? What effect do they have on on-going relationships? on the organization’s mission?

10. What is the earliest point and/or lowest level at which the agency regularly handles conflicts? Are there practices or systems in place to identify potential conflicts early?

11. Are agency meetings, both public and internal, effectively planned and facilitated?

12. Has the agency provided or sponsored training for its staff in meeting facilitation, negotiation, mediation, or some other aspect of ADR?
II. PLANNING

(The following questions are provided to help in the creation of an Agency ADR Plan, AFTER completing your assessment.)

A. Having assessed the way conflict is handled in your agency, what is working well? What could be working better? What is missing?

B. What are the most important goal(s) for using ADR in your agency?

C. Where might ADR processes be used most effectively in your agency?

D. What obstacles or barriers to implementing ADR can you anticipate?

E. What resources, both within and outside your agency, are available for your use? How will you use these resources in: a) the ADR assessment, b) the creation of an agency ADR plan, c) designing an ADR system for your agency, d) providing intervention, mediation, facilitation, regulatory negotiation or some other ADR services.

F. How can your agency build its in-house capacity and improve its understanding of ADR?

G. Is there an interest or need for ADR training?

H. What systems or practices will the agency use to identify and review conflicts/disputes for ADR potential? Describe how such an identification and review system would work.

I. What benchmarks will you use to measure the success of your plan?