Make Life Easier: 
Build Mediation & Conflict Resolution Capacity in Your Agency

NC Council of Community Programs 
Pinehurst, NC 
December 8, 2016

Agenda 
• Welcome and Introductions – CFAC Monitor 
• Conflicts in our field are not hard to find. Can you describe one? 
• Overview and Key Walk Away Points 
• Build a Culture of Conflict Resolution – Presentation 
• Break 
• Recognize Your Conflict Resolution Style 
  Thomas Kilmann Instrument 
• Give It a Try! Burning Sailboat Simulation 
• Build a Vocabulary List for Conflict Resolution 
• Create next steps for yourself and your agency 
• Evaluate and adjourn

Key Walk Away Points 
Know the benefits of an enhanced approach for conflict resolution and mediation for you and your agency. 
Identify your own “style” for handling conflict. 
Match negotiation challenges with strategies that can work for all parties. 
Learn to move beyond “positions” to create solutions. 
Consider a plan to enhance your agency’s capacity to resolve conflicts
### Building a Culture of Conflict Resolution: ADR AND RECOVERY

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<td>Hope</td>
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### WHY PEOPLE LIKE ADR

- Promotes concrete agreements
- Recognizes the role of emotion
- Appreciates history of parties
- Acknowledges differences in values
- Focuses on future relationships
- Encourages creativity and ownership of outcomes
- Allows parties to step outside of usual roles

### DISPUTES IN THE MENTAL HEALTH SYSTEM

- May involve strong emotions, complex issues and multiple parties
- Parties have ongoing relationships
- May include unrealistic expectations on the part of all disputants
- Accompanied by historical hierarchical relationships
- Include multiple players and multiple issues
- Profoundly affect work environment, quality of services and relationships
ADVANTAGES OF ADR FOR AGENCY STAFF AND WORK GROUPS

- Informal
- Timely
- Able to deal with a wide range of workplace issues
- Confidential
- Emphasis on creative solutions
- Builds conflict management skills
- Less conflicted environment

ADVANTAGES OF ADR FOR PROVIDERS, ADVOCATES & OTHERS

- Can deal with a wide range of conflicts, from policy to personalities
- Prevents problems from escalating
- Preserves valuable working relationships
- Builds conflict management skills
- Useful in interagency collaboration and systems planning

ADVANTAGES OF ADR FOR SERVICE SYSTEMS

- Improves satisfaction with services
- Prevents escalation of conflict
- Reduces coercion
**CONTINUUM OF COERCION**

**High**
- Involuntary ECT, psychosurgery, sterilization, abortion
- Forced administration of meds. anywhere
- Physical restraint or seclusion in anywhere
- Extended involuntary incarceration
- Court ordered community treatment
- Forced disrobing, body searches, med. exams
- Intrusive procedures w/ opposite gender staff
- 72-hour emergency eval. in psyche. hospital

**CONTINUUM OF COERCION**

**Low**
- Use of guardianships/conservatorships
- One-to-one monitoring in any setting
- Restrictive settings or services
- Threats or pressure to engage in above
- Controlling access to resources
- Restricting choice, Guiding decisions
- Labeling and diminishment of credibility
- Direct, friendly persuasion & inducements
- Strategic presentation/withholding info.

**STAGES OF MEDIATION**

- **Introduction** sets tone, ground rules and gets each persons perspective of problem
- **Working phase** identifies underlying interests, brainstorms workability of alternatives, selects them, assigns accountability and timeframes
- **Termination** reviews process, restates agreements, write and sign agreement
WHEN IS MEDIATION THE RIGHT CHOICE?

Mediation is especially valuable when:
- The parties have an ongoing relationship
- There is disagreement over matters other than money
- Confidentiality is important

WHEN IS MEDIATION NOT THE RIGHT CHOICE?

Mediation is not suitable when:
- A determinative ruling about a legal right is needed
- A party, even with assistance, cannot effectively participate
- Parties want an outside opinion of merits of the dispute

SOME COMMON CONCERNS

- Voluntariness
- Access to legal review
- Monitoring agreements
- Binding & non-binding nature of process
- Role of Mediators (facilitative/directive)
- Role of people with psychiatric diagnoses
- Policies governing when, where and how mediation is used
- Is it possible to balance power when legal mechanisms can be invoked?
What’s Your Conflict Resolution Style?

- Complete the Thomas-Kilmann Instrument
- Identify your style
- Discuss what it might mean

Burning Sailboat Simulation

- Listen to the instructions
- Listen to two parties make their case
- Predict the decision of the judges
- Discuss other creative resolutions to the dispute.

Build a vocabulary of conflict resolution

- Interests and Positions
- Distributive bargaining
- BATNA
- ZOPA
- Integrative/Interest-based Bargaining
- Facilitation, negotiation, arbitration
- Shadow Negotiations
- Reactive Devaluation, Confirmation Bias, and Anchoring
What is Your Next Step?

• The NC Council of Community Programs aspires to create a Mediation Network in Behavioral Health and I-DD. If it existed would you use it? How?
• What other steps can you take to enhance your agency’s (or your own) capacity to creatively resolve disputes?