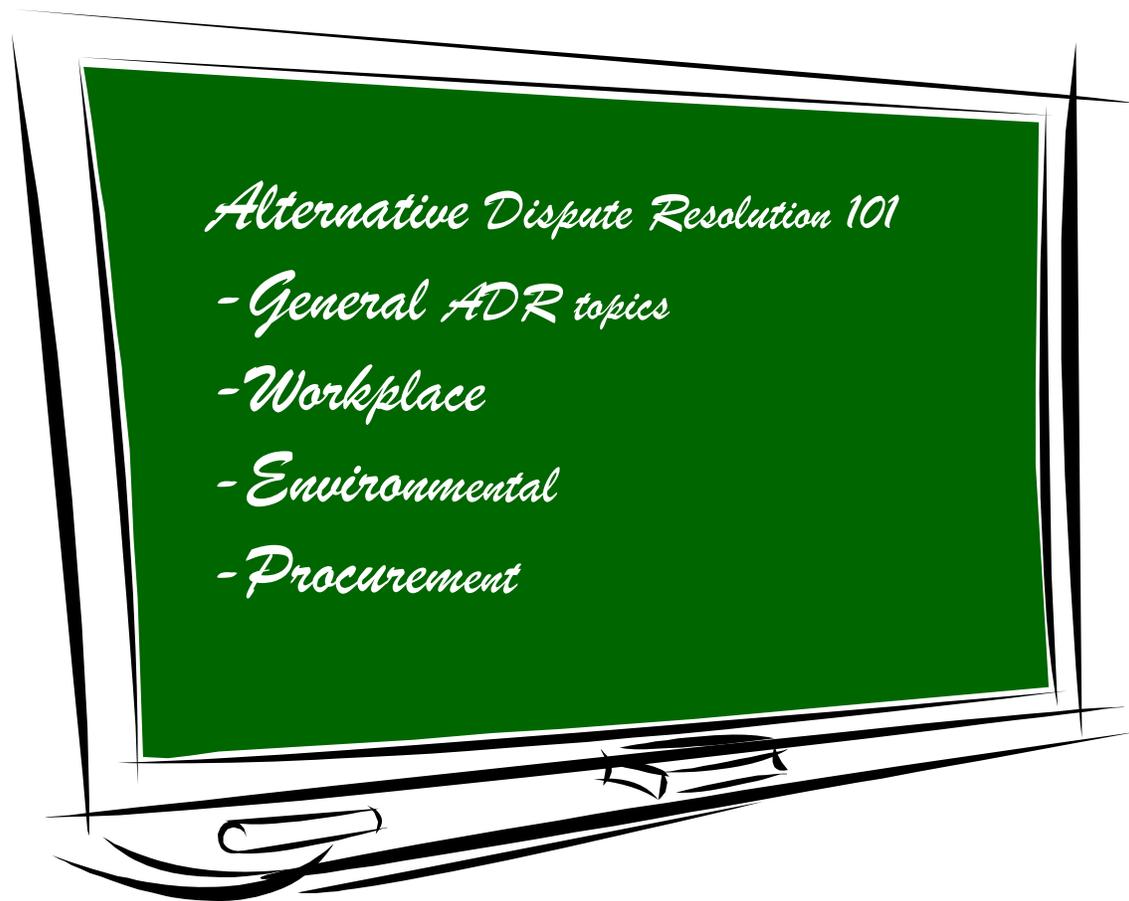




TRAINING FROM THE ADR PROGRAM OFFICE



Alternative Dispute Resolution 101

- General ADR topics*
- Workplace*
- Environmental*
- Procurement*

THE DON ADR PROGRAM
August 2007

You may write to:

Department of the Navy ADR Program Office
720 Kennon St SE RM 214
Washington Navy Yard DC 20374

or send an e-mail to:

adr@ogc.law.navy.mil

Please visit the DON ADR Website at <http://adr.navy.mil/>

Training from the DON ADR Program Office



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INTRODUCTION: The Training Mission of the DON ADR Program

Alternative Dispute Resolution (ADR) techniques, like mediation, facilitative partnering, arbitration, etc., can resolve controversies faster, with less expense, and often with better outcomes than traditional adjudication. Nationwide our society recognizes the value of ADR. Consider:

- Court sponsored ADR is found in 143 U.S. District Courts, 13 U.S. appellate courts, and 65 state or local courts;
- Major corporations have adopted “Early Dispute Resolution” programs or early case assessment to use ADR as much as possible;
- Schools at all levels - elementary to college - sponsor mediation and conflict management training to reduce violence;
- State and federal laws encourage parties to use the techniques; and,
- 90% of Department of Justice disability cases in the last five years achieved compliance by using mediation rather than penalties.

Many DON activities use ADR techniques to ensure that their resources are used to accomplish their mission, rather than for costly litigation. In fact, as the policy in SECNAV Instruction 5800.13A explains,

ADR techniques shall be used as an alternative to litigation or formal administrative procedures to the maximum extent practicable. Use of these techniques may resolve the entire issue in controversy or a portion of the issue in controversy. The goal is to resolve disputes and conflicts at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest possible organizational level prior to litigation. Every issue in controversy, regardless of the subject matter, is a potential candidate for ADR.

To support this official policy, the Department of the Navy (DON) Alternative Dispute Resolution (ADR) Program Office provides training in negotiation and ADR methods. Part I of this guide gives an overview of how training is distributed. Part II describes the courses currently available. You are encouraged to find courses that are right for you and your command.

PART I – THE TRAINING SYSTEM

Courses are taught by in-house program experts, or by instructors available under a support contract managed by the DON ADR Program. For the past four years, this system has worked well and logged thousands of student training hours from Maine to Hawaii.

Courses are typically co-sponsored with other DON activities. For example, if contractor-provided training is needed for a workplace subject, the program can designate a block of courses under a delivery order to the ADR Coordinator at a Human Resource Service Center (HRSC). The program provides the instructor and materials, while the HRSC handles the logistics of securing a facility, giving notice to the target audience, and handling registration. Similarly, if the course uses an in-house ADR expert, the ADR Program pays the travel and provides materials, while the co-sponsoring command arranges the local logistics.

Arranging Courses in Your Area

The program typically relies on a local point of contact. Local contacts include ADR Coordinators at the HRSC or a Human Resources Office (HRO), an Activity Dispute Resolution Specialist (ADRS), a member of a local counsel's office, Executive Officers, or others.

Every request is considered with care. The ADR Program, of course, wants to reach as many students as possible for each course to make the most of its budget and resources. Requests targeting large audiences will be favored. Geography will also be considered: the DON operates world-wide, so we must balance the course schedule appropriately. Finally, instructor schedules are an obvious variable.

If you are an appropriate point of contact and want an ADR course in your area, please call the DON ADR Program at (202) 685-7000 or send an email to adr@ogc.law.navy.mil.

Schedule and Registration

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ADR Training Courses				
Course Title (1 / 1)	Start Date (1 / 1)	Location (1 / 1)	Subject Matter (1 / 1)	HRSC (1 / 1)
Expanding ADR Options	12/6/2005	Norfolk, VA	Workplace	HRSC East
Overcoming ADR Roadblocks	11/2/2005	Norfolk, VA	Workplace	HRSC East
Techniques Building for Mediators	10/4/2005	Norfolk, VA	Workplace	HRSC East
ADR Stakeholder Training for Managers	9/28/2005	Norfolk, VA	Workplace	HRSC East
Understanding Culture and Gender in ADR	9/26/2005	Norfolk, VA	Workplace	HRSC East
Mediator Ethics - New and Improved	9/22/2005	Silverdale, WA	Workplace	HRSC NW/Cap
Settlement Writing for Workplace Mediators	9/20/2005	San Diego, CA	Workplace	HRSC SW
Mediator Ethics - New and Improved	9/20/2005	San Diego, CA	Workplace	HRSC SW
Counseling for the ADR Option	8/30/2005	Newport, RI	Workplace	HRSC NE

[Click here to view a List of Prior Courses](#)

Online Course Schedule

As explained above, the DON ADR Program provides its services as needed, where needed, and frequently in conjunction with a co-sponsoring activity. To learn about the current schedule, see the DON ADR Program's course list at www.adr.navy.mil/traininglist.asp. Registration instructions are described in each course description.

Are these Courses Any Good?

Our students think the courses are excellent. They assess the quality of the content and instruction. On a five point scale (5 highest), the typical average feedback is extremely high. For example:

Course: ADR Confidentiality, 22 September 2004

The instructor was knowledgeable about the subject.	5
The instructor presented the material in an understandable manner.	4.9
This course will help in my job duties (or collateral duties as a mediator if applicable).	4.8
I would recommend this course to other students like me.	4.9

Some written comments included:

"Excellent course!!"

"Wonderful!"

"Great interaction, provoked thinking."

"Need whole day."

"Excellent course - should be required for all mediators. Excellent teaching techniques - getting participants completely involved in discussion."

The example above is not the best or worst evaluation for the confidentiality course. Actually, it is only slightly better than average of all courses offered. To put it in perspective, course surveys in the past two years have yielded consistently outstanding averages:

Average Course Ratings

Students were asked to agree to the following questions using the 5 pt scale:	FY05	FY06
The instructor was knowledgeable about the subject.	4.9	4.8
The instructor presented the material in an understandable manner.	4.7	4.7
This course will help in my job duties (or collateral duties as a mediator if applicable).	4.5	4.6
I would recommend this course to other students like me.	4.6	4.6

Source: 1006 voluntary student responses out of 91 courses offered during these years.

Training at Conferences

The DON ADR Program’s staff members frequently accept invitations to speak at DON conferences and other public gatherings. The ADR program views these conferences as opportunities to fulfill its mission to promote ADR within the DON, its contractor community, and the public. In FY 2006, program attorneys gave presentations about workplace ADR, environmental ADR, and procurement ADR. Some events included:

- “Federal Procurement ADR Update,” December 2005, sponsored by the Interagency ADR Working Group, the ABA Section on Dispute Resolution and others;
- “12th Annual Federal Procurement Institute,” March 2006, sponsored by the ABA Section on Public Contract Law;
- “Annual Meeting of the Coalition of Federal Ombudsman,” March 2006;
- DON Office of the General Counsel Annual Conference, April 2006;
- Cultural Property Law Course: Compliance & Civil Enforcement, August 2006.
- Clean Air Act (CAA) Services Steering Committee Quarterly Meeting, September 2006.
- DON Civilian Personnel Conference, September 2006

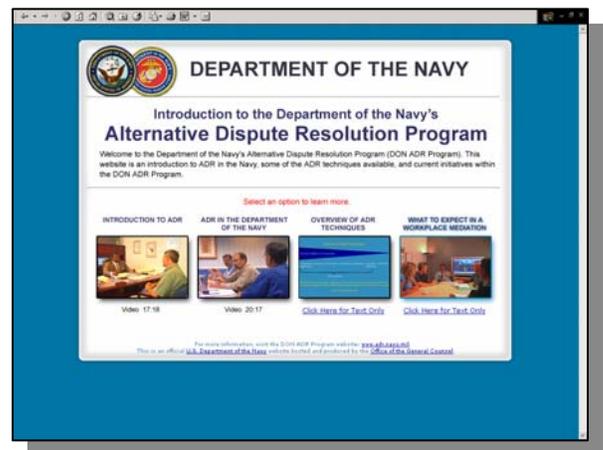
Sometimes we simply present updates on ADR developments, while other engagements teach substantive law or ADR skills.

The program also sponsors conferences of its own. In September 2006, the Workplace ADR Conference was held in San Diego. It offered twelve breakout training sessions, four breakout working group sessions, and two plenary sessions that featured senior speakers and guest ADR professionals.

Online Opportunities

Live courses are just one option. For a basic overview of ADR, how ADR is used in the DON, and “What to Expect in a Workplace Mediation,” please visit our online training offered at www.adr.navy.mil/adr/etraining.asp.

Packed with information and videos of senior DON leadership, it explains the many ways that ADR can be used to further the mission of the DON. This option is on a public website, and does not require a DON Common Access Card (“CAC”) to view it. It does, however, require a high speed internet connection for the video segments.



Online Training on www.ADR.Navy.mil.

Relevant training is also available on Navy Knowledge Online (“NKO”). You can see a list of ADR related courses at

<http://adr.navy.mil/adr/NKO.asp>. Access to NKO is limited, and requires passwords. Those courses are not sponsored by the DON ADR Program.

Custom Courses

The current course list includes many courses that the DON ADR Program developed for particular needs that an activity identified and wanted to address. Similarly, the ADR Program can develop or tailor ADR training for your activity. It might take a little time, but it is well worth the effort.

Conclusion: Flexible, Comprehensive & Low Cost

Learning more about ADR enables DON civilians and service members to effectively follow the policy that “ADR shall be used the maximum extent practicable.” The DON ADR Program’s flexible system provides ADR training in the most significant areas of business conflict facing the DON. For individuals who need a rapid overview, or who need to prepare for a workplace mediation, the ADR Program’s online training provides “just-in-time” delivery of valuable information without logins, passwords, or other barriers. For locations that want or need a live, tailored course, the program offers a wide range of choices. Best of all, the DON ADR Program usually handles the cost of instructors, materials and administration.

Let us know how we can help your command use ADR to further its mission. Contact the program by calling (202) 685-7000 or send an email to adr@ogc.law.navy.mil.

PART II – THE COURSE LIST

The list below summarizes the titles of the courses currently available. The pages that follow provide details regarding the target audience, duration and description for each course. The DON ADR Program and its contractor(s) can tailor the content to individual audiences within reason. The list is subject to change.

Summary Course List

GENERAL ADR TOPICS

- *ADRS Training*
- *DON ADR Updates*
- *ADR Confidentiality*
- *Negotiation*
- *ADR and Conflict Management for Policy Makers*

WORKPLACE ADR

Conflict Management Courses

- *Conflict Resolution Techniques*
- *Dealing with Angry People*
- *Active Listening*
- *Coaching for Success*
- *Interest-Based Problem Solving*
- *Basic Meeting Facilitation*
- *Conflict Management & Alternative Dispute Resolution*

COURSES FOR PARTIES AND REPRESENTATIVES

- *Representation at the Table*
- *Writing Settlement Agreements*
- *EEO Law and Remedies*

COURSES FOR MEDIATORS

- *Basic Mediator Training: Tier I*
- *Basic Mediator Training: Tier II*
- *Basic Mediator Training: Tier III & DON Mediation Model*
- *Writing Settlement Agreements*

- *Ethics for Mediators: New & Improved!*
- *Confidentiality*
- *Mediator Updates*
- *EEO Law and Remedies*
- *Multi-party mediation*
- *ADA/Rehabilitation Act for Mediators*
- *DON Mediation Model Refresher*
- *Breaking through Impasse*
- *Mentor Mediator Training*
- *Advanced Mentor Mediator Training*
- *Generating Options*
- *Understanding Generations, Culture, and Gender in Mediation*
- *Problem Solving Skills for Mediators*
- *Identifying Core Issues in Mediation*
- *Sealing the Agreement: Barriers & Remedies*
- *Advanced Caucus Techniques*

COURSES FOR CONVENERERS

- *Convener Training*
- *ADRTracker 101*

PROCUREMENT & ENVIRONMENTAL ADR

- *Mediation Advocacy*
- *ADR in Government Contracts*
- *Understanding the DON's New Contract Arbitration Authority*
- *Successful Partnering*
- *ECR: Environmental Conflict Resolution*
- *FAR 16.505 Ombudsman Training*
- *ADR Under § 106 of the NHPA*

Detailed Course Descriptions

General ADR Topics

ADRS Training

Target Audience: Echelon I and II ADRS'; Commanding Officers, XO's, civilian leaders.

Duration: 2 to 3 hours

Description: Activity Dispute Resolution Specialists ("ADRS") are people within Echelon I and II activities who are charged with promoting ADR, and serving as the point of contact for the DON ADR Program. This course is designed to help ADRS' fulfill these roles. It gives an overview of ADR policies and laws. It also reviews ADR techniques used in workplace disputes, procurement matters and environmental issues.

DON ADR Updates

Target Audience: Varies

Duration: ½ to 2 hours

Description: Staff members from the ADR Program Office frequently give update briefing tailored to particular audiences. Updates are commonly featured breakout sessions at conferences.

ADR Confidentiality

Target Audience: Neutrals, parties, party representatives

Duration: 1 to 4 hours

Description: Explore the extent and limits of confidentiality in federal ADR at the administration and court levels. While there is some lecture, the course also challenges attendees to answer questions that push the envelope on mediation confidentiality and ethics. Specific topics include: Relevant Legal Sources, Administrative ADR Confidentiality & Exceptions; Policy; Federal Court ADR Confidentiality; Nuts and Bolts; and Trends.

Negotiation

Target Audience: Varies

Duration: 1 to 3 hours

Description: This basic negotiation course introduces students to many practical considerations when negotiating, regardless of context. It first focuses on the negotiation mindset as manifested through the negotiator's attitude, style, and demeanor. It then explores interest-based bargaining as a model for achieving lasting agreements. When taught to attorneys, the course also addresses ethical considerations based on the ABA Model Rules of Professional Conduct. Longer versions also include practical exercises, and a discussion on ways to use the mediation process most effectively.

ADR and Conflict Management for Policy Makers

Target Audience: Senior Leadership

Duration: Varies

Description: This course is tailored to the audience. Topics can include legal, regulatory, and policy information; cases studies in particular subject matters (procurement, environmental, etc.);

Workplace ADR

Conflict Management Courses

Conflict Resolution (CR) Techniques

Target Audience: HR Specialists, EEO Counselors, LR/ER Specialists and those interested in learning CR techniques to apply in their work area.

Duration: 8 or 16 hours

Description: This course is designed for the person who wants to learn the skills of a mediator without going through the steps of the process. Focus on communication techniques such as, active listening, effective questioning, reframing, summarizing and negotiating that are needed to work constructively in situations involving workplace conflict. This course includes participating in role plays that deal with difficult people in HR and workplace settings. Training addresses approaches to handle bias, save face, move from positions to interests, develop improved working relationships, apply creative problem solving and know when to go for expert assistance. The course includes lectures, simulations, exercises, and feedback.

Dealing with Angry People

Target Audience: All DON personnel

Duration: 1 to 2 hours

Description: This course helps students analyze conflict styles and learn techniques that diffuse confrontational situations. Using these techniques can reduce unproductive conflict, and sometimes actually yield positive outcomes for the people and organization involved.

Active Listening

Target Audience: Management and employees

Duration: 4 hours

Description: One U.S. President observed, "No man ever listened himself out of a job." Indeed, listening skills are crucial to successfully handling workplace conflict. This course focuses students' attention on communication styles, and teaches skills that make good listeners.

Coaching for Success

Target Audience: Managers and employees

Duration: 4 to 8 hours

Description: Coaching is a critical leadership skill that enhances employee learning in the workplace. Constructively coaching an employee or coworker can improve conduct and performance. It involves all aspects of job-related communication, including active listening, goal setting, reality checks, brainstorming and identifying barriers. Video examples enhance this training.

Interest-Based Problem Solving

Target Audience: Managers and employees

Duration: 4 hours

Description: People with conflicts often take “positions,” and negotiators make “offers.” This course teaches how to identify the underlying interests and resources that drive the positions and offers. Solving problems using interest-based techniques can lead to more satisfying and productive results.

Basic Meeting Facilitation

Target Audience: DON Personnel willing to serve as collateral duty meeting facilitator

Duration: 12 hours or more

Description: Students will learn facilitation skills to conduct a variety of high performance meetings that support new changes in organizations, increase decision efficiency, are on track and focused, stimulate discussion, and balance participant contributions.

Conflict Management and Alternative Dispute Resolution

Target Audience: Managers, Supervisors and Bargaining Unit Officials

Duration: 4 hours

Description: This highly flexible introductory course is designed to provide participants with the basic information to equip them with techniques that are available to help them more effectively and efficiently handle conflict (including peer to peer conflict) in the workplace. Participants learn basic tools for resolving conflict directly with other employees, when and how to involve a neutral third party such as a mediator, and how to participate effectively in an ADR process such as mediation. Finally, this course provides organizations with a platform for educating all personnel about conflict handling options available in the DON.

Courses for Parties and Representatives

Representation at the Table

Target Audience: All persons who represent parties at a Mediation session, including those who represent the interests of the DON and those who represent the interests of the employee(s).

Duration: 4 to 8 hours

Description: This course will explore why and how mediation can assist in mission accomplishment and how the individual parties can effectively engage in interest based negotiation to resolve differences. Participants will discuss techniques that will increase the likelihood of success and the pitfalls to be avoided in discharging representative responsibilities. The value of win-win and future focused resolutions will also be explored. Participants will better understand the mediation process and the various parties' roles in the process and how to avoid common mistakes. Depending on course length there will be ample time for demonstrations, simulations, and role plays.

Writing Settlement Agreements

Target Audience: Parties, representatives and mediators

Duration: 3 or 4 hours

Description: This hands-on course stimulates thinking and promotes understanding of the settlement writing process. It provides an overview of the types of clauses frequently found in workplace settlement agreements, and explores some of the legal requirements of valid workplace settlement contracts. It emphasizes the different roles of parties, representatives and mediators. When taught to mediators, there is a strong dose of ethics. Students actively participate in the fast moving discussion.

EEO Law and Remedies

Target Audience: Representatives not regularly engaged in the EEO process.

Duration: 3 or 4 hours

Description: Review of basic laws and remedies available in the EEO process. It is geared to neutrals and representatives not regularly engaged in the EEO process.

Courses for Mediators

Basic Mediator Training: Tier I

Target Audience: Potential Mediators

Duration: 20 hours

Description: This is a comprehensive introductory course in basic skills designed for the novice in dispute resolution. The course includes an introduction to conflict, an overview of the principles and practices of mediation, and training in the stages of mediation: opening statement, uninterrupted time/caucuses, building the agreement, writing the agreement, and the closing statement. The introductory course has a special emphasis on mediating workplace disputes and includes participation in mediation role plays, dealing with difficult people, handling bias, developing communication skills, creative problem solving, and ethical standards for mediators. The combination of theoretical and experiential techniques provides the participants with a thorough introduction to skills necessary for effective mediation. This training also provides critical experiential learning that integrates theory with practices in a

supervised setting. Lectures, simulations, exercises, and evaluations/feedback are included.

Basic Mediator Training: Tier II

Target Audience: Potential Mediators who have taken Tier I or its equivalent

Duration: 16 to 20 hours

Description: This training provides the Mediator-Trainee the opportunity to: act the role of the mediator in a minimum of two simulated mediations; be evaluated by Professional Mediators who oversee the simulations; complete observation sheets outlining the skills required of the Mediator-Trainee (e.g. maintaining neutrality, active listening, effective questioning, reframing, summarizing and negotiating techniques); and provide individualized feedback to the Mediator-Trainee.

Basic Mediator Training: Tier III and the DON Mediation Model

Target Audience: Potential Mediator-Trainees who have taken Tiers I and II or equivalents, and are available to mediate at least 5 cases in two years.

Duration: Varies depending on attendance. Usually takes two days of classroom training, followed by 1.5 hr individual sessions.

Description: This course involves classroom training in the DON Mediation Model, followed by an individual screening process. The DON Mediation Model, based on extensive research and study, provides a business oriented use of facilitative mediation with an emphasis on self-determination. Mediator-trainees learn over 45 different skills to enhance the mediation process for their participants. They learn the what, how and why behind the Mediator's Opening Statement, Issues Summary, Joint Discussion and Caucus. They discover what is necessary to be successful in the following Tier III evaluation in this focused conversation about mediation practice. The screening process consists of conducting a role play for approximately 45 minutes to demonstrate the DON Mediation Model skill set. Intense, constructive feedback is provided. This is a pass/fail screening process. Allow 1/1/2 hours for this individual session. Only students who successfully pass the screening are eligible to serve as mediator-trainee in Tier IV training cases

Writing Settlement Agreements

Target Audience: Parties, representatives and mediators

Duration: 3 or 4 hours

Description: See description, on page 11.

Ethics for Mediators: New and Improved!

Target Audience: Mediators and Mediator Trainees

Duration: 4 Hours

Description: This course explores the ethical practice of mediation in light of the new model standards of conduct adopted by national professional organizations. It focuses on how these new standards compare with older versions, and how the ethical

principles translate to federal practice. This course is required for Department of the Navy mediator recertification.

Confidentiality

Target Audience: Neutrals, parties, party representatives

Duration: 1 to 4 hours

Description: See description, page 8.

Mediator Updates

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 1 to 2 hours

Description: This course is updated frequently to give DON Certified mediators information on the trends and changes in mediation nationwide and within the DON.

EEO Law and Remedies

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 2 to 8 hours

Description: Review of basic laws and remedies available in the EEO process. It is geared to neutrals and representatives not regularly engaged in the EEO process.

Multi-party Mediation

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 2 days

Description: How do mediators effectively modify the mediation process to lead multiple disputants involved in complex disputes from “no” to “yes”? The course focuses on the dynamics of multi-party disputes and techniques necessary to facilitate resolution. The first day of the course focuses on the unique dynamics of multi-party disputes, and the second day concentrates on the nature of class action disputes and the techniques necessary to facilitate resolution.

ADA/Rehabilitation Act for Mediators

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 16 hours

Description: This 2-day course meets the training guidance in the ADA Mediation Guidelines and is required for DON Mediator re-certification. The course will explore the ADA and Rehabilitation Act requirements and perspectives in mediation and conflict resolution when one or more of the parties has a disability. Learn ways mediators can make accommodations for people with disabilities to ensure effective communication. Mediators will put the information obtained into practice through a range of role-plays and interactive activities.

DON Mediation Model Refresher

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: Varies depending on attendance - 1 day plus optional 1 day role play

Description: Refresher training on issue identification, communication skills and mediation techniques using the DON's facilitative mediation model, followed by practice mock mediations. If held in conjunction with Tier III, please refer to "Tier III and the DON Mediation Model" description.

Breaking Through Impasse

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 4 to 8 hours

Description: Learn how to keep the parties engaged and maintain forward movement in facilitating the resolution of seemingly irresolvable issues. The course provides a strategic approach to handling impasse.

Mentor Mediator Training

Target Audience: Experienced DON Certified Mediators in Good Standing

Duration: 8 hours

Description: The DON Mentor Mediator course is designed to teach mediators how to become effective mentor mediators. In this training, participants will learn how to effectively observe mediation skills in others, how to measure and evaluate mediator skill levels, and how to participate in a mediation process as a mentor mediator. *Prerequisites apply.*

Advanced Mentor Mediator Training

Target Audience: Mentor Mediators

Duration: 4 or 8 hours

Description: This practicum provides in-depth analysis of experiences of Mentors. Role play and additional skills building for mentors is provided in this class targeted at addressing the lessons learned at the mentor's mediation table. Constructive, accurate feedback is highlighted as well as the administrative responsibilities of mentors.

Generating Options

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 4 hours

Description: When participants fail to reach agreement in mediation it is often because they could not find options to which they could say "yes". Learn about the role of option generation in a variety of negotiation contexts and practice new formats for generating and evaluating options.

Understanding Generations, Culture, and Gender in Mediation

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 8 hours

Description: This course will identify the common areas of miscommunication when communicating across generations, cultures, and genders. The course will assist participants in developing strategies that can be used in dispute resolution sessions to increase communication effectiveness. The course will address the role of perceptions and the possible negative consequences of stereotyping when communicating. The course is designed to improve communications skills in a diverse work environment.

Problem Solving Skills for Mediators

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 8 hours

Description: Mediation provides an opportunity for disputing parties to not only “settle” their dispute. But why just “settle” if you can facilitate a resolution!? This course acquaints mediators with the Problem Solving Decision Making Model and its use in the context of mediation. Participants learn how to facilitate problem solving and to boost creative thinking in the context of mediation.

Identifying Core Issues in Mediation

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 8 hours

Description: It is not unusual for disputing parties to have difficulty identifying the real problems that exist between them. They tend to become reactive as each new conflict episode captures their attention, and it only gets more difficult over time to remember what the core of the dispute actually is! This course equips mediators with “must have” practical skills for effective problem identification/diagnosis and related resolution in mediation.

Sealing the Agreement: Barriers and Remedies

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 4 hours

Description: Have you ever wondered what you can do to increase the opportunity for resolution in mediation? While mediators don’t have the authority to impose resolution on disputants, we do have the responsibility to facilitate at a level of competency that gives them the greatest opportunity possible for them to reach a resolution. Learn about common barriers to agreement and strategies for overcoming them.

Advanced Caucus Techniques

Target Audience: DON Certified Mediators, Mentors and Tier IV Trainees

Duration: 8 hours

Description The DON ADR Program requires at least one caucus with each party during the course of mediation. This course will help mediators make the most of the caucus and answer questions such as, "Is the caucus actually a stage in the mediation process?" Or, "Is it just a tool that mediators and other neutrals use on an as needed basis?" These questions and more are answered in this one day examination of the caucus and its effective use in ADR processes.

Courses for Conveners

Counseling for the ADR Option (Convener Training)

Target Audience: People on the front lines of the dispute resolution process including EEO counselors, and HR/LR specialists. This course was completely revised in August, 2006. People who took previous "Intake" or "Convener" courses are strongly encouraged to take this course.

Duration: 16 Hours

Description: This course was completely revised in August, 2006 to replace previously offered courses titled "Intake" and "Convener." This course places much more emphasis on dispute resolution techniques that can be utilized at the earliest stages of the process. This course moves the emphasis from the mechanics of convening mediations and equips the participants with conflict resolution skills to help them help the parties resolve their differences, sometimes making a mediation session unnecessary. This course will also discuss the intake processes used for complaints of discrimination and other workplace disputes. ADR processes will be explained in detail so participants will in turn be able to explain ADR options to the parties allowing them to make fully informed decisions regarding the use of ADR for their particular circumstances.

ADRTracker 101

Target Audience: Those who use *ADRTracker* to convene and manage dispute resolution processes including Mediation. It is for both beginners and experienced users with questions or a desire to insure that they are effectively using and getting the most out of the features *ADRTracker* provides to make the convening and recordkeeping process easy and efficient.

Duration: 4 Hours

Description: This course will demonstrate the features and functionality of the DON ADR Program's on line docket and case management system. Participants will learn how to do their convening and scheduling jobs easier and more efficiently while at the same time automatically gathering the data necessary for the DON effectively manage its ADR Program and to compile required reports to other agencies.

Procurement and Environmental ADR

Mediation Advocacy

Target Audience: Attorneys

Duration: 1 to 3 hours

Description: In a recent study of 254 large companies' general counsels, 83% said that mediation provides a more satisfactory process (than litigation) and 91% indicated that it saves money. Are you able to use mediation to provide more satisfactory dispute resolution process that saves money for your client? This course explains the mediation process, explores mediator styles, and gives representatives an understanding of some of the tools that mediators use to bring a case to resolution.

ADR in Government Contracts

Target Audience: Attorneys, federal acquisition professionals, and contracting officers

Duration: 6 to 8 hours

Description: This course provides an overview of the ADR processes available to resolve government contract disputes. This overview will include a look at how GAO uses negotiation assistance and outcome prediction to resolve bid protests, and how the ASBCA uses summary trial with binding decision and the settlement judge method (mediation) to resolve contractual issues in controversy. The potential benefits of using combination ADR techniques such as Med-Arb will be reviewed briefly. The course will finish with a summary overview of other ADR Program Office procurement training topics; partnering, arbitration, and the role of the task and delivery order ombudsman.

Understanding the DON's New Contract Arbitration Authority

Target Audience: Attorneys, federal acquisition professionals, and contracting officers

Duration: 6 to 8 hours

Description: This course reviews the advantages of arbitration: speed, flexibility, finality and simplified discovery. The class will provide an overview of federal agency contract arbitration: the historical background, statutory basis and highlights, DON guidance and procedures, and mandatory agreement provisions. Specific course topics include: selecting the arbitrator, drafting the agreement, pre-hearing meetings, discovery, hearings, awards, court review and using creative approaches to arbitration. The course will incorporate a group arbitration exercise and the discussion of topical scenarios portrayed in a mock arbitration DVD.

Successful Partnering

Target Audience: Federal acquisition professionals, environmental policy professionals, and construction and facilities managers

Duration: 6 to 8 hours

Description: This course is tailored to the audience. Basic principles of partnering will be examined with emphasis on environmental, construction, or complex project partnering, depending on the audience. Common topics reviewed will include;

organization of the initial meeting, the partnering charter, dispute resolution mechanisms, common meeting ground-rules and proven processes for elevating team performance.

ECR: Environmental Conflict Resolution

Target Audience: Environmental planners, managers, engineers, attorneys and specialists who must balance conflicting interests while complying with Federal environmental laws and DON policy.

Duration: 5 to 6 hours

Description: This course surveys recent developments in the use of mediation and other collaborative approaches to resolve environmental conflict. Special emphasis is placed on techniques such as conflict assessment, joint fact-finding and process design for multi-party disputes. Course material includes case-studies of recent DON ECR successes and the growing importance of evaluating the economic and environmental results of using ECR.

FAR 16.505 Ombudsman Training

Target Audience: Ombudsman, federal acquisition professionals, and contracting officers

Duration: 6 to 8 hours

Description: This course provides training for federal agency employees who work with Indefinite-Delivery/Quantity, Multiple-Award contracts. FAR 16.505(b)(5) requires an agency-designated ombudsman to hear contractor's task and delivery order complaints. Course attendees learn the skills and information necessary to establish and maintain a 16.505 ombudsman program that facilitates actual and perceived fairness. Topics covered will include: the 16.505 ombudsman's organizational role and statutory responsibilities; listening, negotiation, and conflict resolution skills training; and a review of relevant confidentiality, privileged communication, and organizational independence issues.

ADR Under Section 106 of the National Historic Preservation Act

Target Audience: Attorneys, environmental managers, and similar personnel who are responsible for cultural resource management and compliance with Federal cultural resource laws and DON policy.

Duration: 6 to 8 hours

Description: This course will demonstrate how ADR techniques such as joint fact-finding and mediation can help diffuse tension and keep the consultation on track when conflicts emerge. The early involvement of consulting parties and impartial assessment of all 106 participants' interests can reduce potential conflicts and potential litigation. Section 106 Consultation provides several entry points to apply collaboration and related dispute resolution techniques in order to establish a meaningful and constructive consultation process and avoid elevating unresolved disputes to the highest level in DON, as required by statute.

PART III: OTHER SERVICES FROM THE DON ADR PROGRAM

Training is just one mission of the DON ADR Program Office. It also:

- Coordinates ADR policy and initiatives within the DON at all levels to ensure consistency, effectiveness, compliance with law and executive policy, and avoidance of duplicate effort;
- Assists activities in securing or creating cost effective ADR techniques or local programs;
- Provides legal counsel for in-house neutrals used on ADR matters. This role is intended to avoid organizational conflicts of interest faced by command counsel serving in an advisory or advocacy capacity for the parties in an issue in controversy. The ADR Program shall have no other role in a particular issue in controversy if used in this capacity; and,
- For matters not involving an in-house neutral, it assists DON attorneys and other representatives concerning issues in controversy that are amenable to using ADR.

Please contact the program by calling (202) 685-7000 or send an email to adr@ogc.law.navy.mil.

Department of the Navy ADR Program Office
720 Kennon St SE RM 214
Washington Navy Yard DC 20374

or send an e-mail to:

adr@ogc.law.navy.mil

Please visit the DON ADR Website at <http://adr.navy.mil/>