

The Texas A&M University System
Conflict Resolution Training
(Facilitation)

System Ethics and Compliance Office
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Presented via Webex by
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Conflict Resolution Training

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Section One

Introduction to the Training Program



- Introduction (overview)

- Program designed for all conflict resolution practitioners across The Texas A&M University System
- Serves as a practical application for both facilitation and shuttle facilitation; requires basic conflict resolution knowledge (as covered in the two previous training session)
- Program will provide structure to facilitation practices including facilitation, shuttle facilitation, and (pre-hearing) administrative conference



Conflict Resolution Training

The Mindset:

1. Conflict Resolution Training Curriculum (subject to change)
 - a) Conflict and Conflict Styles
 - b) Understanding One's Own Conflict Style Preferences
 - c) Influences on Conflict
 - d) Culture and Conflict (Cultural Context, Individual Narratives, Multi-partiality)
 - e) Groups and Conflict
 - f) Power and Conflict
 - g) Conflict Resolution Methods and Gate-keeping



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Conflict Resolution Training

The Skills:

2. Facilitated Dialogue Training Curriculum (subject to change)
 - a) Intake and Preparation
 - b) Joint and Shuttle Facilitation
 - c) Opening Statement
 - d) Facilitating Narratives
 - i. Listening and Questioning Skills
 - ii. Re-framing Communication
 - iii. Identifying and Communicating Needs
 - iv. Facilitating Responses
 - v. Identifying Common Ground
 - vi. Managing the Differences
 - e) Outtake Protocols



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Conflict Resolution Training

- Our Agenda:
 - Day One
 - Facilitation: Structure and Practice
 - Shuttle Facilitation: Structure and Practice
 - Administrative Conference: Structure and Practice
 - Critical Skills and Considerations
 - Day Two
 - Application A: Facilitation
 - Application B: Shuttle Facilitation
 - Application C: Administrative Conference

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Conflict Resolution Training

It's all about perspective...



How we **often** view conflict

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It's all about perspective...



How we **should** view conflict



Section Two

Facilitation



What does facilitation look like?

- Direct face to face discussion
- Facilitated by a third party (“multi-partial”)
- Adjudicatory or Non-adjudicatory (due process)
- Goals:
 - Facilitate story-telling and impacts
 - Identify issue(s) to address and desired outcomes
 - Identify and test solutions
 - Develop an agreement or refer to another process
- Tends to be more conflict management than conflict resolution (often addresses symptoms rather than causes)



What does facilitation look like?

- Less structure and documentation (but there is still structure and documentation)
- Facilitator driven, but not facilitator focused
- Parties speak, facilitator questions
- Facilitator offers no solutions or suggestions
- Facilitator serves as a role model for positive communication skills
- Can be done with both small and large groups of people



What does facilitation look like?

The Process

- Intake
- Opening Statement
- Party A: Tell story and identify issue(s)
- Party B: Tell Story and identify issues(s)
- Back and forth as needed
- Exchange: Yes or No?
- Identify Solutions
- Test Solutions
- Develop an Agreement or Refer
- Outtake



Section Three

Shuttle Facilitation



What does shuttle facilitation look like?

- Indirect discussion (not face to face)
- Facilitated by a third party (“multi-partial”)
- Adjudicatory or Non-adjudicatory (due process)
- Goals:
 - Facilitate story-telling and impacts
 - Identify issue(s) to address and desired outcomes
 - Identify and test solutions
 - Develop an agreement or refer to another process
- Tends to be more conflict management than conflict resolution (often addresses symptoms rather than causes)



What does shuttle facilitation look like?

- Less structure and documentation (but there is still structure and documentation)
- Facilitator driven, but not facilitator focused
- Parties speak, facilitator questions
- Facilitator offers no solutions or suggestions
- Facilitator serves as an intermediary between the parties; must be careful to control process but not tamper with content (remedy this concern through the scripting of messages)
- Typically limited to small groups of people



What does shuttle facilitation look like?

The Process

Intake

Opening Statement

Meet with Party A: Tell story and identify issue(s), identify possible solutions, prepare message to other party

Meet with Party B: Tell Story and identify issues(s), identify possible solutions, prepare message to other party

Meet with Party A: Generate and Test Solutions, message

Meet with Party B: Generate and Test Solutions, message

Meet with Party A: Develop an Agreement or Refer, message

Meet with Party B: Develop and Agreement or Refer

Outtake



Section Four

Administrative Conferences (Pre-Hearing)



What do Administrative Conferences look like?

- Typically, direct discussion (but may be Indirect)
- Facilitated by a third party (“neutral”)
- Third party trained and empowered to make adjudicatory decisions
- Adjudicatory or non-adjudicatory (due process)
- Goals:
 - Facilitate agreement on allegations (charges)
 - Facilitate agreement on outcomes (sanctions for adjudication)
 - Develop an agreement or move to a formal hearing
- Resolves allegations rather than addressing the conditions of the conflict
- Highly structured and well documented



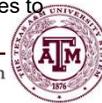
Administrative Conference script (1)

During a pre-hearing conference, if both/all parties have stated that they are seeking an informal resolution rather than a formal live hearing, the facilitator will pause the pre-hearing conference and utilize the following script for the informal resolution process. Please note that wherever the term “complainant” or “respondent” is utilized, the facilitator should replace this term with the name of the party.

INTRODUCTION (OPENING STATEMENT)

FAC: We will now pause our preparations for a formal live hearing because both/all parties have expressed a willingness to explore the possibility of an informal resolution. Prior to beginning this process, I will review the ground rules that we will utilize for our discussion.

1. As previously noted, I will serve as your facilitator. All parties are expected to abide by the process as I conduct it and will be provided with opportunities to participate as directed.



Administrative Conference script (2)

2. All parties will treat one another with respect. Parties will be directed to speak in turn and are expected not to interrupt one another.
3. If we are unable to arrive at a resolution, the case will proceed to a formal live hearing. To promote an open and honest discussion, any information that is disclosed here that is not already in evidence may not be introduced into the hearing process.
4. For us to reach an informal resolution today, all of the following conditions must be met:
 - a. Both/All parties must agree on a determination of In Violation or Not in Violation (or Responsible/Not Responsible) for each alleged violation of conduct that took place between the parties. This would include the actions that led to the filing of a formal complaint, as well as any behaviors directed at the complainant since the filing of the formal complaint for which charges have been filed.



Administrative Conference script (3)

- b. For alleged violations surrounding the conduct of the respondent as it pertains to conduct surrounding the events or process (such as alcohol or drug allegations, or other violations not immediately related to the complainant) these charges are held in abeyance for this conversation and will be dropped if an informal resolution agreement is reached. These allegations may however be considered for sanctioning.
 - c. Both/All parties must agree on a final sanction outcome. Any sanctions imposed must include both inactive and active sanctions as described in System Regulation 08.01.01, and any sanctions developed must be approved both by me as your facilitator and by the System Ethics and Compliance Office (SECO). Once a resolution agreement is agreed to by the parties and myself, I will send the resolution to SECO, and we can normally expect to receive their determination within one business day. In the meantime, all preparations for a formal hearing would remain paused. If the resolution is not approved by SECO, we will reconvene to determine our next steps.



Administrative Conference script (4)

d. Once an informal resolution has been approved by SECO, this will be immediately communicated to the parties by email and will become immediately effective. The respondent is then expected to abide by the resolution in good faith. If any portion of the resolution is not carried out as prescribed, the case may be returned either to informal resolution or to a formal hearing, at the discretion of this office after consultation with the complainant.

e. Prior to an informal resolution being agreed upon and approved, either the parties or the facilitator may return the case to a formal live hearing at any time. However, once a resolution agreement has been reached and approved by SECO, the case may not be returned to the formal process unless the respondent has failed to abide by the terms of the resolution.

f. In the event that unforeseen difficulties arise with carrying out the resolution agreement that are outside the control of the respondent (such as a medical emergency or family emergency), the respondent will be expected to immediately contact this office to determine an appropriate remedy.



Administrative Conference script (5)

5. (To Complainant): Do you have any questions about this process?

6. (To Respondent): Do you have any questions about this process?

7. If you agree to the conditions or pursuing an informal resolution agreement, please sign the authorization form.

DISCUSSION OF ALLEGATIONS

FAC: We will first determine if we can achieve a resolution around the allegations. While the allegations address the regulations or rules allegedly violated, these allegations do not reflect the effects of this case. For us to seek a resolution today, it might be important for us to address both the allegations and their effects. I will begin with the complainant. Please share your thoughts over the effects this incident has had on you, and what responsibility the respondent must demonstrate for you to feel comfortable agreeing to a resolution today.



Administrative Conference script (6)

FAC: (To Respondent) You have had the opportunity to hear from the complainant about the effects of this case and what would be required of you to achieve a resolution today. Let me ask you to now offer your perspective on this case with respect to the degree that your actions have effected the respondent, and the degree to which you are willing to accept findings of responsibility for specific allegations.

Respondent speaks, supplemented with clarifying questions/comments from the facilitator

The facilitator then works with the parties to seek a resolution on each of the allegations as they relate to conduct between the complainant and respondent. If the parties are able to reach a resolution on each of the allegations, proceed to discussion of sanctions.



Administrative Conference script (7)

DISCUSSION OF SANCTIONS

FAC: You have reached a resolution on the findings associated with the allegations. I commend you for this and we are now able to move forward and discuss sanction outcomes. I remind you both that in order for us to be able to gain a resolution today, the sanctions must be acceptable to both of you, to myself as your facilitator, and to our System Ethics and Compliance Office.

I will begin with the complainant. I have heard from both of you about the effects of this case, and you and the respondent have been able to reach a resolution on the findings. For us to reach a resolution on the sanction, the next step is to hear from you about what you believe the respondent needs to learn from this case, and what sanctions you believe would achieve this.

Complainant speaks, supplemented with clarifying questions/comments from the facilitator



Administrative Conference script (8)

FAC: Next I will ask the respondent to speak. You have agreed to the substance of the findings and have heard thoughts from the complainant on what sanctions may be appropriate in this case. I will now ask you to address what sanctions you believe would be an appropriate reflection of your responsibility in this matter.

Respondent speaks, supplemented with clarifying questions/comments from the facilitator

The facilitator then works with the parties to seek a resolution on both an INACTIVE sanction and whatever ACTIVE sanctions are needed to address any identified targeted learning outcomes.



Administrative Conference script (9)

IN THE EVENT OF NO RESOLUTION

FAC: I appreciate that both/all parties expressed a willingness to pursue an informal resolution, but we will now return to our preparations for a formal live hearing.



Administrative Conference script (10)

IN THE EVENT OF RESOLUTION

FAC: I want to commend both of you on reaching an initial resolution agreement. I concur with your agreement and will now submit it to SECO for their approval. As previously noted, once we have SECO's approval, this will be communicated to you and the resolution will immediately go into effect. In the event that SECO has concerns about this agreement, I would contact you both to discuss next steps.

I appreciate the efforts that both of you have given to this process. Do either of you have any questions before we review and sign the resolution agreement?

The facilitator then reviews the resolution agreement and has the parties sign. In the event that one or more parties is attending the conference via video conference, an electronic signature or confirmation email will suffice.



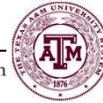
- Parking Lot

Are there questions about any of the material covered so far?



Section Five

Critical Skills and Considerations



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• Skills

- Active listening
- Seek to Understand (Remember the PIN Model)
- Clarify Perception and Assumptions While Acknowledging Values
- Restate, Rephrase, Reframe, Validate
- "I" statements
- Generating Options (Brainstorm)
- Evaluate Options (Testing)
- Managing Impasse
- Creating an Agreement
- Developing Safety Nets
- Outtake



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- Considerations
 - Mutual Consent
 - Good Faith
 - Location
 - Support People/Advisors
 - Amount of time
 - Terminating a Session
 - Enforceability of Agreement



- Parking Lot

Are there questions about any of the material covered so far?



- Closure Activity

Please write down one piece of information to heard in this session (from anyone) that was either new to you, or made you think about something you already knew (or thought you knew) differently?



We will ask for 3-5 people to share their reflections



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- Our Agenda:

- Day One

- Facilitation: Structure and Practice
 - Shuttle Facilitation: Structure and Practice
 - Administrative Conference: Structure and Practice
 - Critical Skills and Considerations

- Day Two

- Application A: Facilitation
 - Application B: Shuttle Facilitation
 - Application C: Administrative Conference



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Section Six

Facilitation Role Play



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Facilitation Role Play

- The facilitators will bypass any opening statements (assume all intake work has been completed) and will begin with the telling of perspectives
- The facilitators will have thirty (30) minutes to get as far through the role play as possible
- We will then process the exercise as a large group.



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Facilitation Role Play: The Scenario

Dr. Roland (Party A) and Dr. Jones (Party B) are both representatives from competing research companies. Both have been made aware that a product that they need for their research (something called an Ugli orange) has been harvested and is available for purchase. However, there are only 3,000 of the oranges available, and both companies are seeking to purchase all 3,000 oranges. The owner of the oranges (Mr. Cordoza) does not wish to make a decision on who will get them, so he told representatives of the two companies to work it out. The representatives exchanged information, but both are demanding to be able to purchase all the oranges for their work. The owner of the oranges has said that he will accept only one bid, and that the bid must be at least \$500,000.00



Facilitation Role Play: Processing

- Observations from Facilitators and Role Players
- Observations from SECO
- Observations from group



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Section Seven

Shuttle Facilitation Role Play

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Shuttle Facilitation Role Play

- The facilitators will bypass any opening statements (assume all intake work has been completed) and will begin with the telling of perspectives
- The facilitators will have thirty (45) minutes to get as far through the role play as possible
- We will then process the exercise as a large group.

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Shuttle Facilitation Role Play: The Scenario

Marcus is a sophomore student in Dr. Liz Epstein's creative writing class. On Marcus' first two assignments, although he followed Dr. Epstein's instructions explicitly, he received a D+ and a C. When Marcus approached Dr. Epstein, Dr. Epstein indicated that although Marcus followed the instructions, his writing did not show sufficient creativity and imagination. On the following assignment, Dr. Epstein was shocked to discover that Marcus had written a short story featuring a World War Two era Jewish creative writing instructor who suffered hardships in a Nazi concentration camp. The story included a rather graphic physical description of the instructor, consistent with Dr. Epstein's appearance. The story also includes explicit depictions of forced sexual activity. At the end of the story, Marcus included a comment to the instructor that said, "How's this for creative...good thing it never happened." Dr. Epstein gave Marcus a failing grade on the assignment and referred the case to the Title IX office. Dr. Epstein is demanding that Marcus not return to class, while Marcus believes that Dr. Epstein has no legal reason to keep him out of class.



Shuttle Facilitation Role Play: Processing

- Observations from Facilitators and Role Players
- Observations from SECO
- Observations from group



Section Eight

Administrative Conference Role Play



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Administrative Conference Role Play

- The facilitators will bypass any opening statements (assume all intake work has been completed) and will begin with the discussion over allegations
- The facilitators will have thirty (45) minutes to get as far through the role play as possible
- We will then process the exercise as a large group.



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Administrative Conference Role Play: The Scenario

Party A and Party B are both student employees who work on the same floor in different departments. Party B pursued a romantic relationship with Party A through out the fall semester, but Party B kept making excuses for why the two could not get together. At the beginning of the spring semester, Party B agreed to go out with Party A and the two went to a house party, where both became intoxicated. The two went back to Party B's room, where Party A later asserted that Party B engaged in non-consensual kissing and fondling of a sexual nature (without penetration). Party A reported the incident and an investigation has been conducted. The two are now headed to a hearing, but both parties asked in their pre-hearing conference for informal resolution.

The facilitator knows from the report that, while both were intoxicated, neither of the parties was incapacitated. The report suggests that Party B misread signals and that Party A failed to make their wishes clear until intimate activity had already taken place. Party B is formally charged with Nonconsensual Sexual Contact and a violation of the Alcohol Policy (both are underage).



Administrative Conference Role Play: Processing

- Observations from Facilitators and Role Players
- Observations from SECO
- Observations from group



- Parking Lot

Are there questions about any of the material covered so far?



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- Closure Activity

Please write down one piece of information to heard in this session (from anyone) that was either new to you, or made you think about something you already knew (or thought you knew) differently?



We will ask for 3-5 people to share their reflections



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If you have questions or comments following this training, please contact me at rolshak@tamus.edu, or call me at (979) 458-7145.

When emailing, use subject line:
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Thank you for attending this session. We hope you will be joining us for further training opportunities throughout the year.

Special Thanks (as always) to **Aubrey Craft** (resident rock star) for coordinating this event and facilitating our dialogue.

Have a great rest of your week and stay safe!

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