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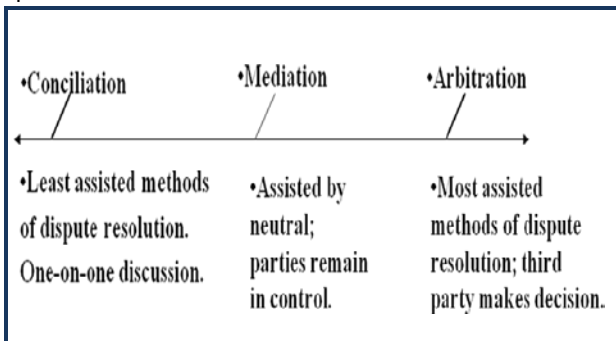
## What is “ADR?”

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Alternative Dispute Resolution (ADR) gives individuals a voluntary way to resolve concerns instead of using lengthy and costly legal processes. ADR encourages communication, creativity, and collaboration to resolve workplace conflicts. The focus is on the future and obtaining a mutually agreeable remedy. There are many types of ADR, including but not limited to, partnering, conciliation, facilitation, mediation, ombudsmanship, fact finding, mini-trials, neutral evaluation and arbitration or any combination thereof.

The definition contains many terms of art. For example, “a formal process or litigation” generally refers to administrative or judicial forms of adversarial adjudication in a rights based system. In its simplest terms, this means a judge conclusively stating who is right and who is wrong. ADR, on the other hand, uses processes that avoid judges and return the decision making process to the parties in dispute. It often removes the “right v. wrong” analysis in favor of “interest based negotiation.”

The methods listed in the definition range between purely party-controlled methods to more litigation-like methods. These are often depicted as a spectrum:



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## Is ADR Appropriate in Every Case?

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Just as different types of ADR might be appropriate for different disputes, sometimes litigation is the preferred method of conflict resolution. If the DON needs a precedential decision or the issue involves a very significant policy, ADR might not be appropriate. Likewise, if the rights of third parties cannot be addressed by using ADR or if full public participation is important, than other methods probably should be used. But most controversies do not involve lofty issues of public policy, and regardless of the subject matter, every issue in controversy is a potential candidate for ADR.

**ADR offers the parties the chance to control their own destiny.**

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## What is Mediation?

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Mediation is a process in which a neutral person facilitates discussions between two or more parties to help them arrive at a resolution of the dispute. The Mediator has no decision making authority and cannot impose a decision on either party. Mediation involves working with both parties to improve their working relationship and communication, clarifying and interpreting data, identifying key issues to be discussed, uncovering hidden agendas, facilitating an effective negotiation process, generating possible settlement options, and helping to identify and formulate areas of agreement.

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## What is Facilitation?

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Facilitation is less structured than mediation. There is a third party neutral as in mediation, but the process is more informal and can be used in individual and group conflict.

It can be used for meetings where there is a likelihood of emotional impact, volatile subject matter and escalation of differences.

Group conflict situations are situations in which personnel are not working as a team; toxic environment. The facilitators allows time for airing of personal views in an open and safe environment and, ultimately reach forward-focused resolutions to guide group behavior in the future.

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## What Is Conciliation?

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Another form of ADR, conciliation involves using the same conflict resolution techniques in a fact rich or document heavy situation. The conciliator gives to each party, upon request, a “balance sheet” of those facts that support a case.

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## Requesting ADR

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To invoke ADR services, please contact the ADR Coordinator at 619-532-1816 to request mediation, facilitation or conciliation.



## The DON ADR

### Program's Mission:

The DON Program helps Navy and Marine Corps activities use alternatives to litigation or formal administrative procedures to the maximum extent practical.

Every conflict and issue in controversy, regardless of the subject matter, is a potential candidate for ADR. The DON ADR Program assists activities to identify controversial issues that might be resolved more quickly, with less expense, and at lower organizational levels using ADR.

**Speak when you are angry-and you will make the best speech you'll ever regret...** Laurence J. Peter

### Who can use ADR?

ANYONE! Managers, supervisors, employees, applicants, and former employees; anyone who has an issue in controversy can invoke ADR!

## Why use ADR?

**The three best reasons to use ADR are:**

- 1. It increases the parties' control over the result,**
- 2. It reduces the cost of resolution,**
- 3. It works!**



## Outcomes:



*Streamlines processes;  
Increases likelihood of  
resolution;*

*Saves costs/resources;*

*Accelerated resolution  
from traditional  
processes*

*Improves working  
relationships*

## DEPARTMENT OF NAVY CONFLICT RESOLUTION PROCESSES



Alternative Dispute  
Resolution Program

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