Public Conflict Resolution

Turning Lemons Into Lemonade

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Foreword

Rural America today is faced with many potential and current conflicts. Outside forces such as corporations, national and international markets, government policy, urban development interests, and communication networks often compete with the interests of rural residents. As many of you know firsthand, interests within rural communities regularly come into heated conflict. Whether it is over local historical preservation, the directions of economic development, the significance of community symbols, chemical fertilizer use, or zoning, rural spaces are contested terrains, both within and from without. It is tempting to believe that the source of most conflict in rural America comes from the outside interests, but such thinking ignores the power within these communities to create, sustain, and resolve conflicts.

As much as it is important for people in rural communities to work towards alleviating the structural origins of public conflict, it is also crucial that they be equipped with the knowledge and skills to handle the present and future conflicts that emerge *within* their communities. It is an underlying philosophy of this manual that conflict is a natural condition within relationships, and that it is not necessarily bad. Conflict situations can be opportunities for positive growth just as much as they can destroy relationships. The consequences of conflict are largely determined by how we deal with it. To that end, this manual is devoted to teaching well-tested approaches for coping with public conflict.

Objectives of *Lemonade*
This manual is a train-the-trainers tool. It is designed to be taught and used primarily by extension educators, community officials, and citizen leaders. The basic goal of the manual is to give workshop participants the applicable knowledge and skills to help teach others how to identify, understand, manage, and when possible and desirable, to resolve conflicts within their own communities. The materials that follow and the training sessions themselves are resources and guides. It is not our intention for *Lemonade* to be taken as a map on how to educate people to deal with conflict. These are concepts and skills that training participants can adapt to meet the needs of their constituency. Just as every community faces unique conflicts, so must the precise manner in which we confront and deal with conflict be of its own design. We hope you leave this training with (at least) two things: different ways for understanding the sources and forms of conflict; and concrete skills for addressing it.

Content of *Lemonade*
The content of this manual is borne out of experience. Public conflict resolution is by definition an applied field. The application of knowledge, or 'practices', is always informed by philosophical origins. *Lemonade*, however, does not go into lengthy detail in discussing the philosophical sources of its ideas on the practices of conflict resolution. Rather, we intend for these informing ideas to be evident through the way in which they are applied. This manual, after all, is only as good as it is useful for leading participants to think and act anew towards conflict.

The skills we introduce circle around the interest-based problem solving approach, sometimes referred to as 'collaborative problem solving' or 'principled negotiation'. Interest-based problem solving centers on getting people in conflict to look beyond their positions within a

conflict, and to examine what they really need and want from the situation. This is done jointly so that all parties involved can understand the perspectives of the others. Despite what conflicting parties often believe, satisfying their true interests does not have to mean blocking others from reaching theirs as well.

Interest-based problem solving is taught as an analytical and practical framework for both impartial third-party neutrals and advocates—people directly involved and with a stake in the ultimate outcome of a conflict. Several role plays allow the participants to consider and apply the introduced skills. It is our hope that these role plays will generate the greatest amount of reflection and group discussion. It is through the post-exercise discussions that the richest content of this manual is realized.

Format of *Lemonade*
The manual is laid out in 15 units that build upon and complement one another. On the first page of each unit there is a description of the unit's purpose, the estimated time it will take to discuss and practice the skills, a list of materials used, and a few sentences about the content of the skills to be introduced and practiced. Following all of this are step-by-step directions that guide the trainer in sequencing and explaining the materials. Although the directions are designed to be straightforward, it is essential that the trainer be familiar with and prepared for the questions the unit raises and the resources it calls for.

As mentioned earlier, the *Lemonade* is not a script to which the trainer must plod through verbatim. Once a trainer becomes familiar with the materials they may wish to leap around from unit to unit, skip sections that aren't pertinent to the teaching situation, and develop role plays and overheads that are more meaningful to their constituency. We invite these adaptations and innovations. That said, the format of the manual is standardized and somewhat formal because that makes it easy to follow. We want the first-time trainer to be confident that they are covering a topic adequately, so we provide everything we believe they will need to do that. The experienced trainer should feel free to pick-and-choose the units that suit their needs and teach them in ways they feel will connect to their audience.

Limitations
It must be understood that interest-based problem solving will not resolve every public conflict to which it is applied. There are appropriate times for litigation, avoidance, accommodation, compromise, and other approaches for dealing with conflict. The workshop participant must bear in mind an admonishment we make throughout the manual: **Choose the approach that works best in your situation. There is no form or type of solution to conflict that is best for every conflict.** A specific limitation to interest-based problem solving is that it requires cooperation, in fact collaboration, from the stakeholding parties. If people in conflict do not want to work together towards resolution there is no magic wand that can make them.

A related limitation to this approach is in the execution of post-negotiation agreements. In some cases, agreements must be legally binding to insure that all parties will carry out the agreement. The will of the stakeholding parties is what makes an agreement stick, not the fact that they went through a formal process. We discuss the development of consensus and ways to build durable agreements.

An important limitation of this manual has to do with timing. Ideally a trainer would have at least three days with their participants. This length of time would allow trainers to indulge

lengthy discussions and supplemental materials they bring in themselves. But, being that people who are involved or interested in this type of training likely already have a dozen things they could be doing with their time besides this, the following list is provided for trainers with a limited amount of time:

Recommended Units
Half-day training: 1, 2, 3, 12, 15 (without Wolf role play)
One day training: 1, 2, 3, 4, 7, 10, 12, 13, 15
Two day training: 1, 2, 3, 4, 5, 7, 9, 10, 12, 13, 15

Notes of Interest
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The Integration of Public Conflict Resolution and Public Policy Theories and Insights

Introduction

Policy makers, public administrators, and citizens have embraced public conflict resolution processes as methods of dealing with community conflict in constructive ways. We point out in this handbook that when handled in a positive manner, resolution of public disputes can build long term community relationships, foster community growth, and even strengthen democracy. We identify an implicit link between conflict resolution processes and democratic decision-making.

However, the link between the resolution of public disputes and the implementation of public policy is not always readily apparent. Both are processes in which people work toward some desired communal aim. But our conventional view of public policy decision-making is of a process that tends to follow established formalities and rules, while conflict resolution processes on the other hand, are decidedly less formal and structured. Moreover, the role of authority in formal decision-making is well understood. As citizens in a democracy we have specific expectations of our elected leaders, at a minimum they are in office to make decisions that affect us. But unless formal leaders are directly involved in a public dispute or its resolution, conflict resolution processes seem to occur outside the purview of representative government.
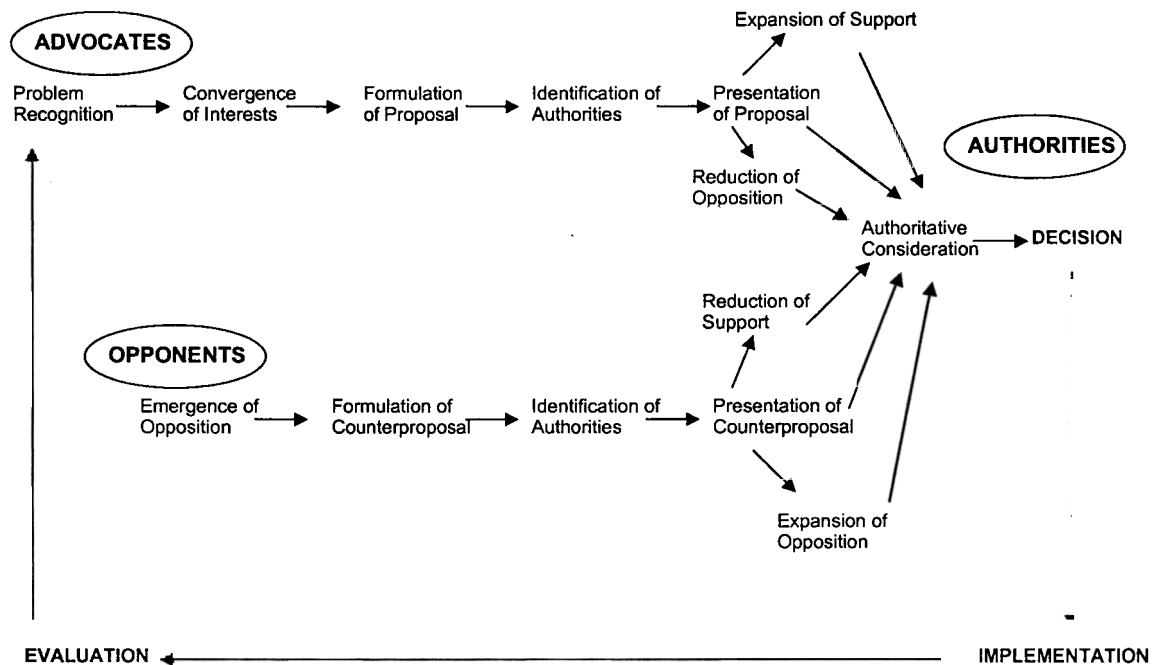
How are informal conflict resolution processes linked with formal public policy processes, and why even should they be? We can look for answers from two perspectives: the perspective of the citizen, and the perspective of the formal leaders. We will investigate first from the citizen perspective.

Citizen's Perspective

Tonn and Petrich (1997) identify six characteristics that democracy requires of its citizens, namely: capability, identity, ideology, mental models of governance, social networks, and effort. The first five are prerequisites for the sixth. In other words, in order to effectively contribute to wise policy outcomes citizens need to understand the issues affecting them, identify with the community facing the issues, have a guiding ideology to discern what is important, understand how decisions are made, and be able to work with others to make those decisions. Barriers to effective citizen involvement in public decision-making occur at each of these requirements.

Barriers to citizen participation in public decision-making become magnified when people are in conflict. For example, if information is inaccessible, misunderstood, or presented with bias, people will have an inadequate foundation from which to make wise personal and public choices. In conflict situations, opponents often use information strategically to reduce effective opposition. Ideological differences among citizens and citizen groups, can either enrich the public dialogue, or if exploited in an arena of conflict, can stifle communication and information sharing. Moreover, ideological schisms can polarize communities, corrode community identity, and stifle social networking. When citizens are in dispute over public choices, the perception of the role of government becomes part of the issue. Without a clear and open connection to governance, a pall of suspicion and a distrust of the motives of those in authority can reduce the effectiveness of citizen involvement.

The relationship between conflict resolution processes and public decision-making can be further illuminated when we look at ways that citizens interact with one another and their elected leaders within the decision-making process. This is especially instructive when we consider how individuals interact within interest-group coalitions. From the citizen perspective, this interaction begins with the recognition of a social problem, injustice, or inequity. Hahn (1988) describes a process of public decision-making that typifies the way decisions are reached when those in positional authority – elected officials for example – are the final arbiters of public choices. Hahn's stages of the decision-making process are illustrated in Figure 1.

ADVOCATES

Problem Recognition → Convergence of Interests → Formulation of Proposal → Identification of Authorities → Presentation of Proposal

Expansion of Support

AUTHORITIES

Reduction of Opposition

Authoritative Consideration → DECISION

OPPONENTS

Emergence of Opposition → Formulation of Counterproposal → Identification of Authorities → Presentation of Counterproposal

Reduction of Support

Expansion of Opposition

EVALUATION ← ——————————————— IMPLEMENTATION

Figure 1. Stages of the Formal Decision-Making Process (Hahn, 1988)

Hahn refers to the initiators of a decision-making process as the advocates. In recognizing a problem and initiating the process, the advocates are seeking a change in the status quo (or a restoration of such). Where controversy exists about the issue, and the advocates voice their concerns and desires for change, opposition may emerge. Both the advocates and opponents seek others with similar values and interests and form coalitions to strengthen their positions. As the advocates formulate proposals for action, opponents formulate counterproposals. Both sides begin to strategize, first by identifying the appropriate authorities for the issue, then taking actions to maximize the likelihood that the authorities will make the desired decisions. These actions include offering proposals and counterproposals to identified authorities, gathering additional support, and attempting to reduce support for the opposition. At this stage in highly conflictual situations, interest groups attempt to manipulate or withhold information to diminish the effectiveness of the opposition, further dividing the citizens embroiled in the conflict and polarizing the community. Any actions proposed by the governing authorities creates winners and losers.

Decision Maker's Perspective

From the decision maker's perspective, issues that engender public conflict and divide communities into advocates and opponents often result in an extremely limited set of political choices and loss of support from one faction or another. As citizens lose a broader community identity in place of identity with a single issue, social networks begin to erode, reducing the ability of authorities to make decisions that benefit the entire community.

Decision makers are usually prepared to make technical decisions to resolve public problems. For example, if a street intersection is considered dangerous, the decision maker may be faced with a decision to either reduce the speed of traffic flow, change or improve traffic signals and signage, change the configuration of the intersection, or some combination of the three. But as public issues increase in complexity, the correct mix of technical solutions becomes less apparent. In situations where public conflict divides communities, decision makers often face a choice between two polar positions and a decision in which they cannot win. It is precisely these situations that Heifetz (1994) calls opportunities for adaptive work. Citizens and decision makers must engage in a productive interaction of different ideologies through which each individual can learn from one another and explore differing realities and their challenges. Conflict resolution is adaptive work.

It is useful here to explore the expectations of leadership with respect to resolution of contentious public issues. Citizens expect their leaders to make decisions, and to take unpopular stands when necessary. A formal leader is traditionally defined as one who has a vision or agenda, coupled with the ability to articulate that agenda, gain support for it, and bring it to fruition. Public conflict often is centered around issues that are socially and technically complex. When we place the burden of resolving disputes around complex issues in the lap of our formal leaders, we are bound to see our leaders eventually fail to meet our expectations.

It is this realm of difficult and complex public issues that puts citizens at odds with one another and leaders to the test. Heifetz and Sinder (1990) point out that complex public policy situations are hard to define and resolve precisely because they demand the work and responsibility of the constituents. Many complex problems are not amenable to solutions provided by leaders, but require adaptive work of constituents.

Heifetz and Sinder offer a typology of public policy situations that require different loci of decision making, i.e., decisions can and should be made by the leader alone, by the leader and citizens, or by citizens. As shown in Table 1, the situations become more complex moving from Type 1 to Type III. Examples of the three situational types are given below.

Table 1. Policy Situational Types and Locus of Decision-Making.

Policy Situation	Problem Definition	Solution	Locus of Decision-Making
Type I	Known	Known	Leader
Type II	Known	Unknown	Leader and Citizen
Type III	Unknown	Unknown	Citizen

Source: Heifetz and Sinder, 1990.

Type I Policy Situation

- **Problem:** The problem is commonly understood and agreed upon
- **Solution:** The solution is known and can be implemented
- **Locus of Decision-making:** The political leader can identify and carry out the best technical solution with little or no involvement of citizens.

Example:

Problem: A street intersection where the number of crashes is above the city average.
Solution: Traffic engineers identify that a traffic signal is the most effective and least expensive method of correcting the problem.
Locus of decision making: City council member appropriates funds to the street department to install the traffic signal.

Type II Policy Situation

- **Problem:** The problem is understood and generally agreed upon
- **Solution:** No clear-cut technical solution is available; or the range of solutions is potentially large, each solution affects different people in different ways (there are potential winners and losers)
- **Locus of Decision-making:** The political leader is confronted with an array of potential solutions but must work with citizens to select the best options.

Example:

Problem: The county landfill does not comply with new state and federal requirements. Solid waste must be disposed of in some other manner.
Solution: A range of potential solutions exists including contracting with a private firm, constructing a new landfill, incinerating the waste, increasing the rates of recycling and reuse.
Locus of decision-making: County Commissioners must work with affected citizens to determine the option or options that best meet the interests of all.

Type III Policy Situation

- **Problem:** Many people disagree on the problem. No single problem can be identified.
- **Solution:** With no consensus on the problem definition, there can be no consensus on potential solutions.
- **Locus of Decision-making:** The political leader must rely on citizens to guide decision-making. Citizen participation in the decision-making process is key to identifying the problems and generating options to solve them.
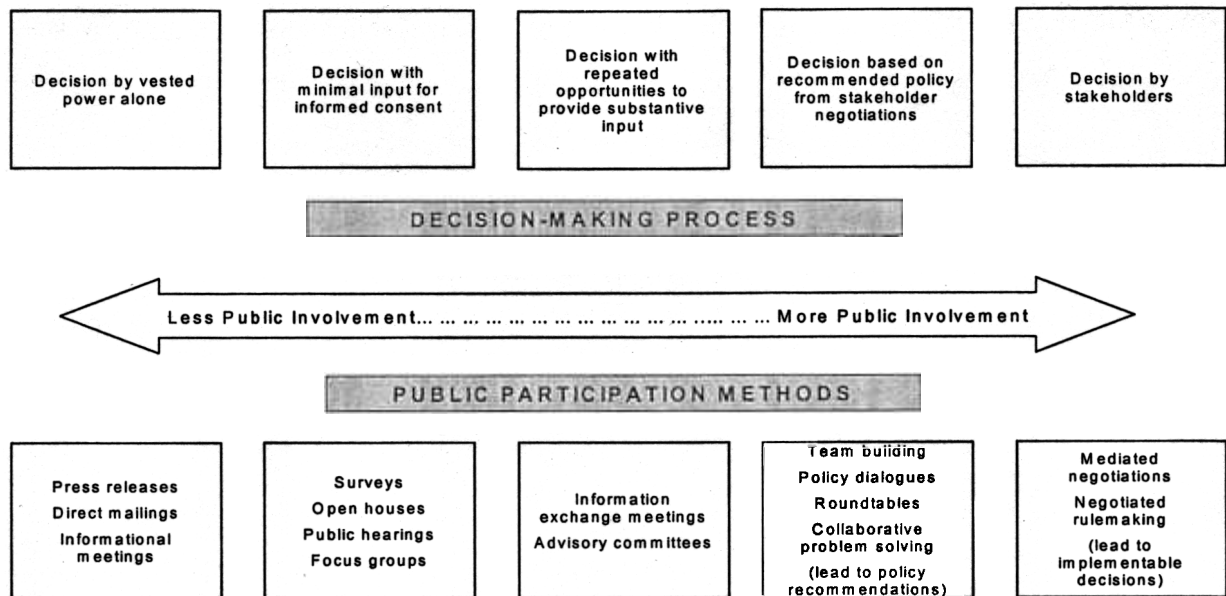
Example:

Problem: The local water supply reservoir is showing symptoms of heavy sediment and nutrient loadings. The agricultural community blames the problem on urban development, developers point to the farmers, and all blame the state regulatory agency for not enforcing state rules.

Solution: Since each interest views the problem from a different perspective, each is armed and ready with a preferred solution.
Locus of decision-making: The political leader cannot decide on the problem much less the preferred solution without losing support from one or more factions. Citizens must work collaboratively to identify and agree upon the problems and generate options for their resolution. If all affected citizens reach consensus on the preferred solutions, then the political leader's decision is a simple one.

Important public policy issues usually are characterized as Types II and III. Resolution of Type II and III situations requires a shift in the locus of decision-making from leaders alone to a sharing of decision-making responsibilities between leaders and citizens. Leaders must be

| Decision by vested power alone | Decision with minimal input for informed consent | Decision with repeated opportunities to provide substantive input | Decision based on recommended policy from stakeholder negotiations | Decision by stakeholders |

DECISION-MAKING PROCESS

← Less Public Involvement... ... ... More Public Involvement →

PUBLIC PARTICIPATION METHODS

| Press releases
Direct mailings
Informational meetings | Surveys
Open houses
Public hearings
Focus groups | Information exchange meetings
Advisory committees | Team building
Policy dialogues
Roundtables
Collaborative problem solving
(lead to policy recommendations) | Mediated negotiations
Negotiated rulemaking
(lead to implementable decisions) |

willing to relinquish some decision-making authority to citizens. Citizens must engage in adaptive work by defining the problems, identifying and evaluating options for mutual gain, and helping their leaders to make the best choices.

Public Participation and Conflict Resolution

The locus of decision-making can be viewed as a continuum or spectrum (see Figure 2) with policy decisions made solely by those with authority on one end, to decisions made by citizens on the other end, and a mix of shared decision-making in between. Running parallel to the decision-making continuum, is a spectrum of public participation methods. These methods can range from one-way information techniques such as press releases, to negotiated rule-making where stakeholders make implementable decisions.

Conflict usually manifests itself when people with a stake in the issue offer solutions that are counter to the interests of other stakeholders. Resolution of public conflicts usually requires a setting where stakeholders can physically meet together to work through their differences. Within the context of public participation methods, these face-to-face encounters are more likely to occur on the rightward side of the spectrum where citizens and leaders are engaging in adaptive work.

Figure 2. Spectrum of Decision-Making and Public Participation Processes

The link between public policy decision-making and public conflict resolution can best be understood by examining the relationships between citizens, leaders, and decision-making processes. As policy situations become more complex, as citizens become more engaged in making policy choices, and as decision-making processes become more inclusive, good policy outcomes increasingly rely on processes designed to resolve public conflict. Conflict resolution process, like the problems that call for them, are often messy, difficult to define, and involve many people and interest groups. But the outcome is usually a richer mix of potential policy choices for both decision maker and citizen.

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Turning lemons into lemonade

Unit 1
The Benefits of Public Conflict
Instructor's Guide

Public Conflict Resolution

This unit focuses on identifying the negative and positive aspects of conflict. Mental models of dealing with conflict will be addressed. The role of conflict avoidance and an overemphasis on team building in organizations will be explored. This session will lay the groundwork for addressing conflict constructively.

Purpose

Conflict is a part of all organizations and communities. The purpose of this session is not to eliminate conflict, but rather to find ways that enhance its positive contributions to organizations and people and to minimize the destructive elements of conflict.

Objectives

As a result, participants will:
- Understand the positive and negative aspects of public conflict.
- Understand how false agreement can lead to more conflict.

Time

One Hour

Materials Needed

Flip Chart and Easel
Markers
Overhead Projector

Overheads

1   What Is Conflict?
2   Lippitt Quote
3   Dying Communities
4   Successful Communities
5 a-b Positive Aspects of Public Conflict
6 a-b Negative Aspects of Public Conflict
7   Why Accent the Positive Aspects?
8   Symptoms of the Abilene Paradox
9   Reasons for the Abilene Paradox
10 Group Think
11 Symptoms of Group Think

Handouts	1. The Abilene Paradox (copies for five actors only)
	2. Recognizing and Overcoming False Consensus
Directions	1. Introduce the topic of conflict by having a group discussion of the following questions:
Overhead 1	a. When you hear the word "conflict," what kinds of images or words come to mind? Display **Overhead 1**, "What Is Conflict?".
	b. As a child, how were you taught to deal with conflict?
	c. Was there a gender difference in the way conflict was approached in your family?
	d. Describe a conflict or potential conflict you had recently. How did you deal with it? What were the results?
	e. In your experience, what contributes to successful or unsuccessful conflict resolution?
	Ask participants whether they perceive each word used to describe conflict in part A as positive or negative.
	2. Present the quote by Gordon Lippitt.
Overhead 2	"Conflict is a predictable social phenomenon and should be channeled to useful purposes. The goal of organizational leadership is not to eliminate conflict, but to use it." (**Overhead 2**)
	3. Make the following observations:
Overhead 4	"Successful communities and organizations anticipate conflict and work on it in ways that keep relationships intact." (**Overhead 4)**
Overhead 3	"Dying communities and organizations avoid conflict or work on it in ways that destroy relationships." (**Overhead 3**)

Overhead 5 a & b
6 a & b

4. Ask the group to identify ways conflict is negative and ways that it can be positive. The trainer can also use **Overheads 5 a & b and 6 a & b** to summarize the positive and negative aspects of conflict.

5. Ask the participants why we want to focus on the positive aspects of conflict. Why not humiliate and demonize those who have different values, goals or behavior?

Overhead 7

The trainer uses **Overhead 7** (Why Accent the Positive Aspects) about the "Shadow of the future." In essence, we emphasize the positive aspects of conflict because we want to sustain a relationship with another group or party. We don't know what the future holds for the parties in dispute. They may need each other's help or support later on.

For example, think of the United States' relationship with the former Soviet Union. Even though the two nations had polarized perspectives, there were many attempts to share ideas and to behave towards each other in respectful ways. Conflict became an opportunity for dialogue rather than a bitter war.

6. The next step is to talk about some of the pitfalls of conflict avoidance. Ask five participants to take on the five roles in the Abilene Paradox. Hand each of the five participants the Abilene Paradox script and let them act out the parts.

7. After the enactment of the Abilene Paradox, the trainer asks the group if they have been in groups where the organization's members went to "Abilene?"

   a. Why did they go?
   b. What could have prevented it?

Overhead 8

8. The trainer uses **Overhead 8** to discuss th symptoms of the Abilene Paradox.

Overhead 9

9. The trainer uses **Overhead 9** to discuss the reasons why the Abilene Paradox occurs in groups. Feedback is solicited from the group about each point.

Overhead 10 & 11

10. What happens when some people want to go to "Abilene" and others don't want to go, but they all end up going to "Abilene" anyway? The trainer discusses another conflict avoidance problem in groups called "Group Think." **Overheads 10 and 11** are used.

11. The trainer asks how conflict avoidance problems like the Abilene Paradox and Group Think can be minimized in groups. The participants brainstorm ideas that the trainer records on a flip chart.

12. The trainer distributes the handout on "Recognizing and Overcoming False Consensus In Groups and Organizations."

Turning lemons into lemonade

Unit 1
The Benefits of Public Conflict
Handouts

Five volunteers are needed to play the roles of the narrator, Jerry Harvey, Beth Harvey, Mary Smith and Al Smith. The narrator stands at a podium to the side while the Harveys and Smiths sit at a table or in a semicircle facing the audience.

Narrator: "Let's step in on Jerry Harvey and his wife Beth Harvey and Beth's parents, Joe and Mary Smith. The Harveys are visiting the Smiths for a week of vacation. That July afternoon in Coleman, Texas (population 5,607), was particularly hot -- 104 degrees. In addition, the wind was blowing fine-grained West Texas topsoil through the house. But the afternoon was still tolerable -- even potentially enjoyable. A fan was stirring the air on the back porch; there was cold lemonade; and finally, there was entertainment. Dominoes. Perfect for the conditions. The game requires little more physical exertion than an occasional mumbled comment, 'Shuffle 'em.' and an unhurried movement of the arm to place the tiles in their appropriate positions on the table. All in all, it had the makings of an agreeable Sunday afternoon. Then something happened."

Joe Smith: "Let's get in the car and go to Abilene and have dinner at the cafeteria?"

Narrator: "Jerry thought, 'What, go to Abilene? Fifty-three miles? In this dust storm and heat? And in an un-air-conditioned 1958 Buick?'" But his wife chimed in.

Beth Harvey: "Sounds like a great idea. I'd like to go. How about you Jerry?"

Jerry Harvey: "Sounds good to me. I just hope your mother wants to go."

Mary Smith: "Of course I want to go. I haven't been to Abilene in a long time."

Narrator: "So off in the car they went. The heat was brutal. Perspiration had cemented a fine layer of dust to their skin by the time they arrived. The cafeteria's food could serve as a first-rate prop in an antacid commercial. Some four hours and 106 miles later, they returned to Coleman, hot and exhausted. They sat silently in front of the fan for a long time. Then, to be sociable and to break the silence, Jerry decided to speak."

Jerry: "It was a great trip, wasn't it?"

Mary Smith: (after a long pause -- irritated)
"Well, to tell the truth, I really didn't enjoy it much and would rather have stayed here. I just went along because the three of you were so enthusiastic about going. I wouldn't have gone if you hadn't pressured me into it."

Jerry: "What do you mean 'you all?' Don't put me in the 'you all' group. I was delighted to be doing what we were doing. I didn't want to go. I only went to satisfy the rest of you. You're the culprits."

Beth: (shocked)
"Don't call me a culprit. You and Daddy and Mama were the ones who wanted to go. I just went along to keep you happy. I would have had to be crazy to want to go out in heat like that."

Joe Smith: (irritated)
"Aw, heck. Listen, I never wanted to go to Abilene. I just thought you might be bored. You visit so seldom I wanted to be sure you enjoyed it. I would have preferred to play another game of dominoes and eat the leftovers in the icebox."

Narrator:
"After the outburst of charges and countercharges, they all sat back in silence. Four reasonable people had just taken a trip that they did not want to go on. Later on, Jerry Harvey labeled this phenomenon as "The Abilene Paradox" or the inability to handle agreement. As Jerry Harvey studied organizations, he found that many groups blunder into the "Abilene Paradox." They go on excursions where they don't want to go on. Out of fear for conflict, individuals don't express their real concerns. But in

failing to communicate their real concerns, individuals create a situation that leads to even more conflict than before."

Source for Abilene script: Harvey, Jerry B., <u>The Abilene Paradox and Other Meditations on Management</u>, Lexington, Massachusetts: Lexington Books, 1988.

**Turning lemons
into lemonade**

There are many reasons why groups and organizations need to encourage their members to express their differences in order to be successful. If an organization overemphasizes teamwork and group loyalty and excludes the airing of differences and concerns, it can seriously damage the group. The reasons become clearer when one studies two kinds of group behavior that minimize conflict. One is known as the "Abilene Paradox" and the other is called "Group Think."

The Abilene Paradox
"The Abilene Paradox" is named after a situation that occurred on a hot dusty day in Coleman, Texas. Four adult family members were relaxing on the front porch when someone suggested they go to Abilene for dinner. One by one, each family member indicated that they wanted to go. After the trip, one family member said she would rather have stayed home. Gradually, each family member revealed the same sentiments. In reality, no one wanted to go. This phenomenon has been observed in community organizations and private firms.

The Abilene Paradox occurs when group members take an action or "go to Abilene" when no one really wants to go. Essentially, it is the inability of group members to handle agreement. It occurs frequently in organizations and groups.

Symptoms of the Abilene Paradox
1. Organization members fail to communicate their real desires or beliefs to one another. They do just the opposite. The data in effect says, "It's a great idea. Let's go to Abilene."

2. With invalid and inaccurate information on the table, organization members arrive at results that are counterproductive to the organization's intent and purposes.

3. As a result of taking actions that are counterproductive, members experience frustration, anger, irritation and dissatisfaction with the group. Subgroups are likely to form that blame other subgroups or authority figures for the organization's dilemma.

4. The cycle repeats itself -- an inability to manage agreement occurs frequently. Fortunately, the Abilene group recognized the process and did not repeat their mistakes.

There Are Several Reasons Why The Abilene Paradox Occurs:
1. Action anxiety. Thinking about acting in accordance with one's intuition can make some people extremely anxious. It's easier to go along with the crowd.

2. Negative fantasies. Some individuals and groups conjure up negative fantasies about owning up to their beliefs and interests. Few ask if such fantasized consequences are likely.

3. Real risk. Individuals do not take the time to assess the real risks of saying no.

4. Fear of separation. Ostracism can be one of the most powerful punishments devised. The fear of separation has led White House staff members to engage in illegal activities they don't really support for research groups to fund projects they don't believe in.

Group Think
Group Think is different from the Abilene Paradox. Group Think occurs when some members of the group want to take a course of action while other members will hide their questions or disagreement about the proposed action.

Irving Janis (1979) coined the term, "Group Think," after he analyzed how important governmental decisions on foreign policy were made. He found that group emphasis on team building and consensus impaired decision making, reality testing and moral judgement. He reached his conclusion after examining the Bay of Pigs invasion of Cuba, the American decision to invade North Korea, the failure to read the warning signals about the Japanese attack on Pearl Harbor and the Vietnam War.

Symptoms of Group Think:
Janis found there were up to eight major symptoms of Group Think.

1. An illusion of invulnerability which creates excessive optimism and taking extreme risks;

2. Collective efforts to rationalize and discount warnings about the inadequacies of group assumptions;

3. An unquestioned belief in the group's inherent morality;

4. Stereotyped views of enemy leaders as too evil or too dumb to warrant genuine attempts to negotiate;

5. Dissenting opinions are viewed as disloyalty to the group;

6. Self-censorship occurs. Each member of the group minimizes his/her doubts and counter-arguments;

7. Shared illusion of unanimity conforming to the majority view. Silence is viewed as consent;

8. The emergence of self-appointed mind-guards who protect the group from adverse information.

In attempting to maintain consensus, only a few courses of action are considered. The group spends more time considering arguments for the plan than against it, and optimism about the plan causes the group to overlook setbacks or to prepare contingency plans in the even of failure.

Avoiding the Pitfalls of False Consensus:
There are several step organizations can take to avoid the false consensus of the Abilene Paradox or Group Think. These steps are not prescriptive for all groups. Each group will have to develop its own plan to minimize the pitfalls of conflict avoidance. Some steps to consider include:

1. The group should openly recognize that differences and conflict strengthen organizations;

2. Individuals should be encouraged to express their differences with each other;

3. The group should intentionally seek voices to be part of the group that may be different from the majority -- voices that can offer fresh ideas;

4. The group can systematically examine the negative and positive consequences of its proposed actions;

5. The group can make links with other groups that have other perspectives.

Questions For Group Discussion:

The Abilene Paradox

1. Have you been in a group that went to "Abilene" when no one really wanted to go? Why do you think it happened?

2. What could a community, group or organization do to make sure that they would not relive the Abilene Paradox?

Group Think

3. Have you been in a group that had some or all of the symptoms of Group Think? How did you feel as a member of the group?

4. What should a group do to make sure that Group Think does not occur?

5. Can we avoid Group Think and still encourage group loyalty? If so, how?

6. How could you voice your differences in ways that do not destroy relationships or the group?

References:
Harvey, Jerry B., The Abilene Paradox and Other Meditations On Management, Lexington, Massachusetts: Lexington Books, 1988.

Irving, Janis, Victims of Groupthink: A Psychological Study of Foreign Policy Decisions, Boston: Houghton Mifflin, 1972.

Unit 2
Conflict Styles and Strategies
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

This unit focuses on five individual conflict resolution styles and how those styles can be implemented in dealing with public conflict. The five styles include Avoidance, Accommodation, Competition, Compromise, Collaboration and Problem Solving. Participants will identify the strengths and weaknesses of each approach.

Purpose

There are five major conflict resolution styles and strategies. The purpose of this session is for each individual to learn more about his/her "natural" conflict style. The strengths and weaknesses of each style in a public setting will be examined. Participants will also learn the difference between compromising and collaborating (also known as interest-based problem-solving).

Objectives

As a result, participants will:

- Learn their preferred or "default" style of conflict resolution.
- Understand that each style can become a strategy for resolving conflicts.
- Become familiar with the terms "accommodate," "avoid," "compete," "compromise" and "collaborate" as strategies to resolve conflicts.
- Learn the strengths and weakness of each conflict resolution strategy.
- Understand how to view the various responses to conflict in relation to satisfying one's own interests, and the interests of another party.
- Understand the differences between compromise and collaboration.
- Learn how the problem-solving approach is used in a public setting.

Time

One Hour

Materials Needed

Pencils/pens for each participant
Flip Chart and Easel

Markers
Overhead Projector
Question and Answer Reference for the Leader—Questions Most Often Asked About the Thomas-Killman Conflict Mode Instrument

Overheads

12 Thomas-Killman Conflict Mode Instrument
13 Conflict Grid
14 Assumptions of the Compromise Approach

Handouts

Thomas-Killman Conflict Mode Instrument for each participant.

Note: **THIS INSTRUMENT SHOULD NEVER BE** DUPLICATED. Order from: XICOM, Woods Road, Tuxedo, NY 10987; phone: 914-351-4735 or 800-759-4266[1]

Directions

1. Introduce the Thomas-Killman Instrument as a tool for individuals to understand themselves better and how they deal with conflict in comparison to other individuals in management and business settings. Indicate that individuals will not be required to tell others how they scored on the Thomas-Killman Instrument. Assure everyone that there are no right

Overhead 12

or wrong answers. Use **Overhead 12** to underscore your points.

a. Trainers should read the "Questions Most Often Asked About the Thomas-Killman Conflict Mode Instrument" before you lead Unit 2. It can be useful in fielding questions from the participants.

2. Distribute a Thomas-Killman Instrument and pencil or pen to each participant. Read the "Instructions" on the first page. Participants are asked to circle an "A" or "B" for each of the thirty statements on pages 1 through 4. Participants are asked to stop at page 5 and not to break the seal until they are instructed to do so.

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[1] Anyone interested in the variety of applications of the Thomas-Killman Conflict Mode Instrument should contact XICOM about their 1996 publication of *The Conflict Workshop Facilitators Guide*, a bibliographical reference guide to conflict research groups that have used the instrument.

3. After every individual has completed page 4 of the Thomas-Killman Instrument, ask the participants to break the blue seal and turn to page 6. They should circle the letters on page 6 that correspond to the circled items of the questionnaire. For example, if someone circled an A for statement #1 ("There are times when I let others take responsibility for solving the problem.") the individual should circle an "A" for #1 on page 6. Mention that you will meet with individuals privately if your instructions are confusing.

4. After each of the thirty items are circled on page 6, each participant will total the number of items circled in each column.

5. Participants are asked to turn to page 8. Each individual graphs the numbers from the bottom of page 6 onto page 8. Lines are usually drawn between the numbers.

6. Participants are told that their scores are graphed in relation to middle and upper level managers of government and business organizations. For example, if the participant received a score of 10 or above for "competing," he/she ranks among the top ten percent of test-takers who are more comfortable with this approach. Conversely, if you received a score of three or less for "competing," you probably use this approach less frequently than other leaders. Participants are urged to read pages 9-16 on their own about interpreting high or low scores. Assure the participants that the Thomas-Killman instrument does not suggest one is competent or incompetent in a particular style— it indicates what one's natural style is, and may reflect their tendency to overuse one style or another.

Objective 13

7. Use **Overhead 13** (Conflict Grid) to stimulate discussion about the strengths and weaknesses of each conflict approach.

8. Explain what "avoidance" means from **Overhead 13.** Follow up questions could include:

   a. Strengths of the Avoidance Approach. "Do you know of a public organization or group that has successfully used avoidance to deal with conflict?"

II-3

If no one responds, you could mention that for religious, ethical and practical purposes pacifists such as Gandhi and Martin Luther King Jr. avoided all conflict that involved violence. Gandhi believed it was foolish to fight violence with violence because the dominant side would always have more power. Some groups choose their battles carefully. They have limited resources and energy to get involved in all conflict situations. Hence, they avoid the smaller conflicts and focus on the bigger ones.

b. Weakness of the Avoidance Approach. "Do you know of a public organization or group that has avoided conflict in ways that hurt the organization?"

If no one responds, the trainer could refer to the Abilene Paradox in Unit 1.

9. Explain what "accommodation" means from **Overhead 13.**

a. Strengths of the Accommodation Approach. "Do you know of a public organization or group that has successfully used accommodation to deal with conflict?"

If no one responds, the trainer could mention that some public figures and organizations have publicly apologized when confronted with conflict. For example, a Lexington, Kentucky church apologized to the community for not investigating rumors of pedophilia about one of its leaders. Many small business organizations typically operate under the adage that "the customer is always right." In accommodating their customers they strengthen the credibility of the organization.

b. Weaknesses of the Accommodation Approach. "Do you know of a public organization or group that has used accommodation in ways that have harmed the organization?"

If no one responds, the trainer could mention how organizations have been taken advantage of by clients or their own members when there is excessive accommodation. The organization or group can be walked on like a doormat.

The trainer could ask if any of the participants have felt they have accommodated so much in personal relationships that it eventually led to the destruction of the relationship? Did they feel they were taken advantage of?

10. Competition. Use **Overhead 13** to explain the competition approach to conflict. This approach is sometimes called "win-lose."

   a. Strengths of the Competition Approach. "When do you think the competition approach would be especially appropriate for public groups?"

   If no one responds, the trainer could mention that some organizations have used competition because it seemed to be the most appropriate method. For example, some inner city churches have declared a "war on drug lords." They believe it is inappropriate for them to avoid or accommodate the conflict with the drug culture. They enter the fray with idea of "winning" and the hopes that the drug culture will lose.

   Some organizations encourage healthy competition among internal teams. For example, UPS pits different packing lines against each other with the promise of incentives to the line that is most efficient. It is believed that this competition strengthens the entire organization.

   In other cases, groups turn to the courts because they believe they have a high probability of winning their case. They may also want the courts to set precedents or they may want to use "competition" to publicize the intellectual, economic or moral worth of their cause. Proponents of the competition approach are willing to sacrifice money and time in order to win.

   b. Weaknesses of the Competition Approach. "What do you think are the weaknesses with the competition approach in public settings?"

The trainer could respond with several observations. If organizations successfully pursue a "win-lose" approach, they may permanently destroy their relationships with the "losers." Losers may use the loss to regroup and strengthen their resources. Eventually, the losers may find a way to get even so that the former losers become "winners" and the former winners become losers. The win-lose approach may also lead to permanent gridlock in which each side has just enough strength to stop the other side from achieving their objectives, but not enough strength to win anything. This is particularly dangerous for public groups.

11. Compromise Approach. Use **Overhead 13** to explain the compromise approach. It means "splitting the difference." Show **Overhead 14** to list the Assumptions of the Compromise approach.

Assumptions of the Compromise Approach:
- Pie is limited
- Best solution is to divide the pie
- Win-win is not possible
- Win-lose = too many negatives
- Everyone wins something
- *But* everyone loses something

The trainer may illustrate the compromise approach with the case of two library patrons who are arguing over whether the window in the reading room should be closed or open. The librarian may seek a compromise solution and leave the window slightly open. In essence, each party wins a little and loses a little. Compromise is often used in public settings. Its appeal may be rooted in our American sense of fairness.

a. Strengths of the Compromise Approach. "Have you seen the compromise approach used effectively in public settings?"

If no examples are offered, the trainer can mention that it works well in cases where there are two opponents with equal power who are strongly committed to mutually exclusive goals. For example, compromise has been effective in organized labor and management disputes. Compromise can be used effectively in organizations where goals are moderately important but

not worth the effort of more assertive modes such as competition.

b. Weaknesses of the Compromise Approach. "Have you seen the compromise approach used ineffectively in public settings?"

If no examples are offered, the trainer can mention that groups may have goals that are so important that compromise would only weaken the organization. They may have little choice but to pursue a win-lose strategy. In other cases, the compromise approach dissatisfies all parties because everyone wins something but they also lose something. The trainer should mention that the compromise approach, not matter how familiar it seems, is not always the best approach. Some critics of compromise say organizations should attempt to pursue a "win-win" strategy that would leave all parties satisfied.

12. "Collaboration" or "Problem-Solving." Note that Thomas-Killman calls this approach "collaboration", but it is more commonly called "problem-solving" or "interest-based problem solving." Refer to the upper right-hand corner of **Overhead 13.**

This approach is the least understood of all five strategies. It usually involves a redefinition of the problem and then the disputants seek creative ways to address the problem. Let's take the earlier case of the two library patrons who are arguing whether the window should be closed or open (see compromise explanation — #11). The interest-based problem solving approach probes under the interests underneath the positions. The positions are clear. One patron wants the window closed and the other wants it open. But we don't know why they have such strong positions. The person who wants the window closed says that she wants to avoid a draft. The person who wants the window open says that he needs fresh air. The problem changes from "Should the window be closed or open?" to "How can one patron get fresh air while the other avoids a draft?"

The trainer asks the workshop participants to brainstorm solutions to the question : "How can one patron get fresh air while the other avoids a draft?" The creative brainstorming by the group is reflective of how problem-solving works.

After the participants offer possible solutions the trainer reveals that this real case was solved in a unique way. The librarian went into another room and raised a window which brought fresh air into the reading room but did not create a draft.

a. Strengths of the Problem-Solving Approach. The trainer asks the participants "Have you seen the problem-solving approach used effectively in public settings? If so, how?"

If there is no response from the participants the trainer can mention that interest-based problem solving has been used in Washington state to address an agricultural pest problem.[2]

First discovered in Texas in 1986, the Russian wheat aphid (RWA) spread into Washington by 1988, resulting in millions of dollars of crop loss. Since biological control was still several years away from being developed, Washington producers aerially applied the insecticide disulfoton to kill the RWA. Producers supported the aerial applications, but challenges were raised by the nonagricultural community that was concerned about chemical drift and its impact on waterways, wetlands, and wildlife and human contact. Other incidents of chemical contact in Washington cast the debate over aerial application of disulfoton into "pro" and "con" camps.

Hoping to end the polarizing direction of the debate, the agricultural industry supported a Washington State Conservation Commission-sponsored proposal calling for a consensus-based dispute resolution.
Before the positions became entrenched, the producers and nonagricultural parties were able to reframe the issue to reflect the key stakeholder's interests. Originally the question was cast as "Should we permit aerial application of disulfoton, or shouldn't we?" The

[2]Adapted from Fiske, Emmett P. 1991 (Fall) "Extension's Effectiveness in Resolving Environmental Disputes" in *Journal of Extension* as viewed on the internet at: http://www.joe.org/joe/1991fall/a8.txt

question became "How can we control the RWA problem while still safeguarding the environment and health of the surrounding land and people?" Notice how this question did not place people into two camps.

Through a series of meetings between the stakeholding groups, several important agreements were reached: there would be voluntary compliance among producers with the established agreements; public education about RWA and disulfoton; protection of people, wildlife, wetlands, and waterways; and ongoing monitoring and assessment of RWA potential for crop damage.

The result of these voluntary agreements included: more than 80,000 fact sheets about the possible countermeasures against the RWA and the impact on human and wildlife health resulting from disulfoton; 75% of wheat and barley growers who sprayed complied with the group's recommendations; fewer pesticides were used, and those used were more effective because of intensive management and monitoring efforts; and in the 1989 growing season there were no reported health hazards associated with disulfoton.

b. Weaknesses of the Problem-Solving Approach. "Have you seen the problem-solving approach used inappropriately in public settings?"

If no one responds, the trainer can mention that it is inappropriate if one of the key disputants/stakeholders refuses to be involved in any kind of dialogue. In other cases, it may be too time-consuming for organizations to pursue. Sometimes, it is quicker and easier if an authority figure makes a decision and sticks with it. Some disputants may want to pursue litigation in order to set a legal precedent. In other cases, it may take a lot of time to create the atmosphere of trust and openness problem solving requires.

13. Summary

   a. The trainer mentions that each of these five
       approaches has strengths and limitations. Ask the
       participants if they understand how the five
       approaches work and when they likely won't work.

   b. The trainer mentions that the participants are free to
       keep their Thomas-Killman Conflict Mode
       Instrument. They should be aware that their
       "natural" conflict resolution styles may be overused.
       People tend to overuse their natural styles because
       they feel comfortable with them even when it is
       inappropriate. **Ideally, one uses all five styles
       when dealing with public conflict**.

14. The next step. The trainer asks if any participant scored
    "high" on "collaborating" on the Thomas-Killman
    Conflict Mode. Most likely, very few people will have
    scored high. The trainer mentions that this approach
    tends to be underutilized and that the bulk of the
    training will focus on collaboration or interest-based
    problem-solving.

15. As a final exercise, the trainer might want to graph the
    collective score of the group. By making hash marks
    on the flip chart indicating each participants high and
    low score the group can gain a sense of how their scores
    compare to those of their peers.

Unit 3
Separating Interests from Positions
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

Workshop participants will examine two conflict situations (School consolidation and the Ugli Orange Case) in order to understand the difference between positions and interests. They will then ferret out the difference between positions and interests in regards to the examples.

Purpose	Workshop participants will understand the difference between positions and interest as a prelude to interest-based problem solving.
Objectives	As a result, participants will: • Learn the difference between positions and interests. • Learn how to probe for interests when someone has a hardened position. • Understand how there are common interests in many disputes.
Time	45 minutes
Materials Needed	Flip Chart and Easel Markers Overhead Projector
Overheads	15 Positions 16 Position Examples 17 Problems With Positions 18 Interests 19 Interest Examples 20 Why Focus On Interests?
Handouts	1. The Truck Case 2. The Ugli Orange Case (Optional)

Directions	1. The trainer suggests that it is important to understand the difference between positions and interests before participants understand how to do interest-based problem solving.
Overhead 15	2. The trainer uses **(Overhead 15)** (Positions) to explain what positions are.
Overhead 16	3. **(Overhead 16)** (Position Examples) contains two examples of positions—oppose and favor school consolidation.
Overhead 17	4. **(Overhead 17)** (Problems With Positions) is used to illustrate the problem with positions.
Overhead 18	5. **(Overhead 18)** (Interests) is used to illustrate what interests are.
Overhead 19	6. The trainer uses **(Overhead 19)** (Interest Examples) to illustrate the difference between positions and interests.

7. In order to give the participants more practice in distinguishing between interests and positions, the trainer will put several statements on the flip chart.

Statement #1:
"I oppose planning and zoning because I am worried that it means Big Brother will be telling me what I can or can't do with my property. I am worried that zoning will devalue the land I want to sell."

a. The trainer asks participants "What is this person's *position* or stand?"(Answer: opposes zoning). The trainer writes the responses to the question on the flip chart.

b. The trainer asks the participants "What are this person's *interests*?"(Answer: values individual freedom, maintain property values). The trainer writes the responses on the flip chart.

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Statement #2:
"As a newcomer to this county I demand zoning now! I don't want strange people with mobile homes moving into my nice neighborhood. I want to maintain my property values and high standard of living."

   a. The trainer asks participants "What is this person's *position*?" (Answer: favors zoning). Participant responses are recorded on the flip chart.

   b. The trainer asks participants "What are this person's *interests*?" (Answer: maintain neighborhood, maintain quality of life, maintain property values).

Statement #3:
"I don't understand zoning. I've heard that people in Athens have to get permission from their zoning office before they decide on a color to paint their front porch. I wonder how zoning will help economic development and help maintain our small town quality of life."

   a. The trainer asks participants "What is this person's *position*?" (Answer: unclear position. Wants more information about zoning). Responses are recorded on the flip chart.

   b. The trainer asks participants "What are this person's interests?" (Answer: more information about zoning, economic development, maintain small town quality of life).

8. Trainer assigns each participant a role play in "Conflict in a Farm Organization: The Truck Case." The trainer then explains that the purpose of this exercise is for the characters to try to negotiate a settlement of the case. Participants should try to identify positions and interests in their deliberations. Tell the participants not to read one another's role description. The trainer should allow 10 minutes for the two-person negotiations. Because the cases become more complicated after

Chapter 3, make sure that the participants grasp the differences between positions and interests before moving on.

9. Ask the individuals who played Roland to identify both the positions and interests of the Jones character. The trainer should list these on the flip chart. Ask the Jones characters to identify the positions and interests of the Roland character and record these on the flip chart. Then ask the Roland characters about the positions and interest of the Jones characters. Ask the groups how they approached the identification of issues and how they negotiated with one another. What strategies worked? Was it difficult to separate positions from interests?

10. The trainer displays **(Overhead 20)** (Why Focus On Interests) and asks participants whether there needs to be more clarification about the difference between positions and interests.

Turning lemons into lemonade

Unit 3
Separating Interests from Positions
Handouts

Conflict in a Farm Organization: "The Truck Case"
Handout 1

Public Conflict Resolution

DISCUSSION GUIDE FOR CONFLICT COACHES

Conflict in a Farm Organization: "The Truck Case"

These questions are designed to stimulate discussion among the participants. You are not expected to lecture or provide all the answers.

1. What are the positions in this case? Possible answer(s):
    Each of the two organizations wants sole use of the only available truck.
    They believe that the survival of their farmer members is dependent on getting sole access to this resource.

2. What are the real interests of the parties in the dispute? Possible answer(s):
    a. Both groups need the truck to carry produce to processors.
    b. Each group feels they have <u>not</u> been recognized or thanked by each other for their contribution to the Organic Products Marketing Board.
    c. Each group needs the other group for the Organic Products Marketing Board to meet their needs.

3. Are there overlapping interests? Possible answer(s):
    a. The Organic Fruit Growers need the truck on Tuesdays, Thursdays and Saturdays while the Organic Vegetable Producers need the truck on Mondays, Wednesdays and Fridays
    b. Both organizations formed the Organic Products Marketing Board for their own survival and success.

4. How would you reframe the issue to reflect real interests? Possible answer(s):
    How can the Organic Fruit Producers and Organic Vegetable Growers deliver their produce to the markets in timely ways with the use of only one truck?

5. What are some potential solutions that might meet everyone's needs? Possible answer(s):
    a. One group could use the truck in the early morning and early afternoon while the other group could use it in the late afternoon and evening.
    b. The obvious solution is that each group uses the truck on alternate days.
    c. The group could leverage the equity in one truck to secure an additional truck.
    d. Other solutions?

6. What solution seems most feasible? (open discussion)

7. There are also some long-term interests that might be addressed in this dispute. What are they? Possible answer(s): Recognition and appreciation of each others contributions to the Organic Products Marketing Board.

Chapter 3 Handout: The Truck Case
Conflict in a Farm Organization: "The Truck Case"

Instructions for Actor: *Do not read this script or let others read it in the role play situation. Try to act out the script in a way that is natural for you.*

Ann (Andy) Boyd
Your name is Ann (Andy) Boyd. You are the head of the Organic Fruit Producers. Your group formed a coalition with the Organic Vegetable Producers 5 years ago to combine resources and technical knowledge through a new organization, the Organic Products Marketing Board. The new organization has done a top-notch job of marketing organic products.

Your group spent time and financial resources to secure support from a foundation to recently acquire a new truck for the Organic Products Marketing Board. You and your group received little help from the vegetable producers in getting the funding for the truck.

Your group has given and given and now they feel that it is time to collect. Your group feels they deserve sole use of the only available truck during the harvest season. Your harvested fruits need to get the processing plant within a reasonable amount of time or your produce will spoil and your members will lose a lot of needed revenue. You know the truck officially belongs to the Organic Products Marketing Board. You also know that your members need the truck on Tuesday, Thursdays, and Saturdays, because you harvest your fruits every other day. You need the problem resolved soon.

Members of the Organic Fruit Producers are feeling that you are collaborating too much with the Organic Products Marketing Board; some have even questioned whether your contract should be renewed. Your group is also furious that the vegetable producers made little effort to help you get funding for the truck. You know that the future of your Board relies on you and the fruit producers working together. But your group is the only one that secured the money for the truck and if not for your efforts, there would be no truck.

Today you will meet with Jo Benson, the head of the Organic Vegetable Producers to work on this dispute. Your group's position is clear. The Organic Fruit Growers need (and deserve) <u>sole use of the truck during the harvest season</u>.

Conflict in a Farm Organization: "The Truck Case"

Instructions for Actor: *Do not read this script or let others read it in the role play situation. Try to act out the script in a way that is natural for you.*

Jo Benson

Your name is Jo Benson. You are the head of the Organic Vegetable Producers. Your group formed a coalition with the Organic Fruit Producers 5 years ago to combine funds and technical knowledge to form the Organic Products Marketing Board. Your group has given valuable monetary resources and time to make the Organic Marketing Board the best organization of its kind in the state. Your group has received little recognition or thanks from the Organic Fruit Producers for your many contributions.

Recently a foundation furnished a new truck to the Organic Products Marketing Board. You know your group needs the truck to get your produce from the field to the processing plant. If you do not get your vegetables from the field to the plant within a few hours, they will spoil and your constituent farmers will lose revenue. Your member farmers are irate and are pressuring you to get sole use of the newly acquired truck. They tell you that if you do not get the use of the truck for them, they will elect someone else to head their organization and take up their cause.

You know that the truck was awarded to all members of the Organic Products Marketing Board and you represent only the Organic Vegetable Producers. However, your group needs the truck just about every day of the week—precisely, every Monday, Wednesday, and Friday. That's why the Organic Vegetable producers want sole use of the truck. Your group claims they have given a great deal to make the Marketing Board a success and now it's time to collect.

You know that the future of the Board depends on both your groups working together. But the lack of respect for your contributions from the Organic Fruit Group has pushed you to the limit.

Today you will meet Ann (Andy) Boyd, the president of the Organic Fruit Growers, to work on this dispute. Your group's position is clear. You need (and deserve) sole use of the new truck.

Conflict in a Farm Organization:
"The Ugli Orange Case"
(Optional)
Handout 2

Public Conflict Resolution

Turning lemons into lemonade

Ugli Orange Case[1]

Instructions for Actor: *Do not read this script or let others read it in the role play situation. Try to act out the script in a way that is natural for you.*

J.W. Jones, biological research scientist
You are Dr. J.W. Jones, a biological research scientist employed by a pharmaceutical firm. You have recently developed a synthetic chemical useful for curing and preventing Rudosen. Rudosen is a disease contracted by pregnant women. If not caught in the first four weeks of pregnancy, the disease causes serious brain, eye and ear damage to the unborn child. Recently, there has been an outbreak of Rudosen in your state and several thousand women have contracted the disease. You have found, with volunteer victims, that your recently developed synthetic serum cures Rudosen in its early stages. Unfortunately, the serum is made from the juice of the Ugli orange which is a very rare fruit. Only a small quantity (approximately 4000) of these oranges were produced last season. No additional Ugli oranges will be available until next season, which will be too late to cure the present Rudosen victims.

You've demonstrated that your synthetic serum is in no way harmful to pregnant women. Consequently, there are no side effects. The Food and Drug Administration has approved the production and distribution of the serum as a cure for Rudosen. Unfortunately, the present outbreak was unexpected and your firm had not planned on having the compound serum available for six months. Your firm holds the patent on the synthetic serum and it is expected to be a highly profitable product when it is generally available to the public.

You have recently been informed, on good evidence, that R. H. Cardoza, a South American fruit exporter, is in possession of 3000 Ugli oranges in good condition. If you could obtain the juice of all 3000 you would be able to both cure the present victims and provide sufficient inoculation for the remaining pregnant women in the state. No other state currently has a Rudosen threat.

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[1]George Mason University
Institute for Conflict Analysis and Resolution
Fairfax, Virginia 22030-444
(703) 993-1300

You have recently been informed that Dr. P.W. Roland is also urgently seeking Ugli oranges and is also aware of Cardoza's possession of the 3000 available. Dr. Roland is employed by a competitor pharmaceutical firm. S/He has been working on biological warfare research for the past several years. There is a great deal of industrial espionage in the pharmaceutical industry. Over the past several years, Dr. Roland's firm and your firm have sued each other for infringement of patent rights and espionage law violations several times. You've been authorized by your firm to approach Cardoza to purchase the 3000 Ugli oranges. You have been told s/he will sell them to the highest bidder. Your firm has authorized you to bid as high as $250,000 to obtain the juice of the 3000 available oranges.

Before approaching Cardoza, you have decided to talk with Dr. Roland so that you will not be prevented from purchasing the oranges.

Unit III Handout: The Ugli Orange Case

Instructions for Actor: *Do not read this script or let others read it in the role play situation. Try to act out the script in a way that is natural for you.*

P.W. Roland, research biologist
You are Dr. P.W. Roland. You work as a research biologist for a pharmaceutical firm. The firm is under contract with the government to do research on methods to combat enemy uses of biological warfare.

Recently, several World War II experimental nerve gas bombs were moved from the U.S. to a small island just off the U.S. coast in the Pacific. In the process of transporting them, two of the bombs developed a leak. The leak is presently controlled but government scientists believe that the gas will permeate the bomb chambers within two weeks. They know of no method of preventing the gas from getting into the atmosphere and spreading to other islands, and very likely to the West Coast as well. If this occurs, it is likely that several thousands of people will incur serious brain damage or die.

You've developed a synthetic vapor which will neutralize the nerve gas if it is injected into the bomb chamber before the gas leaks out. The vapor is made with a chemical taken from the rind of the Ugli orange, a very rare fruit. Unfortunately, only 4000 of these oranges were produced this season.

You've been informed, on good evidence, that R. H. Cardoza, a fruit exporter in South America, is in possession of 3000 Ugli oranges. The chemicals from the rinds of this number of oranges would be sufficient to neutralize the gas if the serum is developed and injected efficiently. You have also been informed that the rinds of these oranges are in good condition.

You have also been informed that Dr. J.W. Jones is also urgently seeking purchase of Ugli oranges and s/he is aware of Cardoza's possession of the 3000 available. Dr. Jones works for a firm with which your firm in highly competitive. There is a great deal of industrial espionage in the pharmaceutical industry. Over the years, your firm and Dr. Jones' firm have sued each other for violations of industrial espionage laws and infringement of patent rights several times. Litigation on two suits is still in process.

The federal government has asked your firm for assistance. You've been authorized by your firm to approach Cardoza to purchase 3000 Ugli oranges. You have been told s/he will sell them to the highest bidder. Your firm has authorized you to bid as high as $250,000 to obtain the rind of the oranges.

Before approaching Cardoza, you have decided to talk to Dr. Jones so that you will not be prevented from purchasing the oranges.

Unit 4
Reframing an Issue
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

Through a lecture, role-play and brainstorming discussion the participants will be introduced to the reframing of issues.

Purpose
This session discusses reframing issues to broaden stakeholder involvement and how to bridge interests by reframing.

Objectives
As a result, participants will:
- Learn why it is important to reframe issues.
- Learn how to reframe issues into open-ended questions to be solved.
- Learn to listen to a stakeholder's description of an issue to identify the interests behind their position.

Time
One hour

Materials Needed
Flip Chart and Easel
Markers
Overhead Projector

Handouts
Catamount Island Bridge

Directions
1. Having discussed the differences between positions and interests in Unit 3, the trainer is now ready to discuss the importance of reframing issues in getting from positions to interests. In problem solving, the term reframing refers to directing the parties' attention away from positions toward the task of identifying interests, inventing options for resolving the conflict, and discussing criteria for selecting an option.

Many times it involves using techniques for producing win-win outcomes. One of the most powerful ways of redirecting perspectives is to frame or reframe the initial issue.

2. How an issue is initially framed will greatly affect the parties' problem solving perspectives and level of conflict. Many community issues are initially framed as a debate. Ask the participants to consider the following example in which the parties are forced into a bipolar perspective: "Should we use the budget surplus to clean up the local streams or should we invest that money into developing the downtown business district?" Only positions are revealed by this framing of the issues.

3. Interests must be uncovered in order to reframe the issues to move attention away from the two positions in the above statement. Reframing the issue involves finding a common definition of the issue that is acceptable to all parties. It is achieved by substituting for the initial closed-ended question with an open-ended question. By replacing a "Should we..." question with a "How to..." question, the disputing parties are moved from debating the relative merits of their positions to focusing on an interest-based problem solving venture. By reflecting the key interests of the stakeholders, the reframed issue not only encourages collaboration between all parties; it signals what must be satisfied if the issue is to be resolved.

4. The trainer should ask the participants to try and reframe the statement about how to use the town's budget surplus. If the participants struggle to reframe, suggest the following approach: "How can we use the budget surplus to improve the local streams while investing in downtown businesses?" Such a reframing opens the door for proposals that creatively combine the two interests of cleaning the streams and investing in local businesses. Perhaps the budget surplus could be used to award tax credits to businesses that voluntarily comply with tough stream pollution regulations, or businesses that get directly involved in stream clean-up projects (i.e. Adopt-A-Stream programs).

5. Record the responses on the flip chart as the participants try to reframe the following potentially contentious public issues, which the trainer should write on the flip chart. It is a good idea to have the participants first suggest the interests that are involved in these statements.

   - "Shouldn't we legalize industrial hemp production since the future of tobacco is so uncertain?"
   - "Should we support higher academic standards and achievement for our children by awarding public voucher money to private school students?"
   - "Should we set aside more private land for wilderness preservation in order to protect our local ecosystem?"
   - "Should new commercial hog operations be permitted near our town to improve the local agricultural economy?"

6. The trainer should select two volunteers to read the roles in the "Catamount Island Bridge" role-play. The trainer should read aloud the general information page with the heading "The Setting" before the two characters deliver their parts. After the positions are presented, the participants should collectively brainstorm the interests of the parties. Next, divide into small groups and have the participants reframe the issues. After a few minutes reconvene the whole group and have them offer reframed statements.

7. The trainer should ask if there are any questions about how to reframe. Referring back to the material in Unit 2 about interest-based problem solving may help the trainer answer questions.

Turning lemons into lemonade

Unit 4
Reframing an Issue
Handouts

Turning lemons into lemonade

A Read-Aloud Role Play

Objective: Catamount Island Bridge is, at first glance, a dispute about the construction of a bridge to an island. The issue is posed as: "Should a new bridge be built to Catamount Island?" But it is really more than that. Listen to two of the disputants, Bonnie (Barney) Baskins and Marvin (Marge) Birdwell as each talks about his or her position on the issue. Identify the interests behind each position. Based on the interests that you hear, reframe the issue to find a common definition of the issue that is acceptable to all parties.

Procedure: The role play has three parts: the setting and two roles. All participants read the setting silently to themselves (or the setting can be read aloud, one paragraph at a time by several volunteers). Two volunteers then read each role play aloud, in turn, to the rest of the group. The instructor asks the participants to listen for two things: the positions of each disputant, and the interests behind those positions. Participants are encouraged to take notes.

When the role players finish, the instructor starts with one of the roles and asks the whole group to identify the disputant's position. This is recorded on a flip chart. Next, the instructor asks the participants to list the interests they heard. Responses are also recorded on the flip chart. The instructor may have to remind the participants that interests are the reasons why the individual holds a particular position. When all the responses are recorded, the instructor again reminds participants of the definition of interests. The list is then reviewed and items not identified as interests are removed. The procedure is repeated for the second disputant.

After the interests are tabulated for both disputants, the instructor divides the group into teams of 4-5. Each team works independently to create a reframing statement. The statements are shared with the rest of the group and discussed.

Time Needed: 45 minutes
Equipment: 2 flip charts and markers
                Unit IV Handout: Catamount Island Bridge

Catamount Island Bridge

Public Information
This information should be distributed to everyone.

The Setting
The Town of Catamount Island is a resort community on the mid-Atlantic coast. Despite its misleading name, the town consists of both an island and a mainland area. Connecting the two parts of the town is a single lane, swing-span "pontoon" bridge. The bridge spans the Intracoastal Waterway, a major route for pleasure craft and small commercial boats that ply the coast. It also bisects a high quality estuarine wetland, and is the only means available for crossing to and from the island.

The island and much of the mainland property was owned by a developer who purchased the land 40 years ago for less than $8,000. Since the 1980's, residential development has boomed at Catamount Island. Both the island and mainland sections of town have undergone considerable growth. Ocean-front lots which originally sold for $600 in the early 1960's now fetch upwards of $500,000. The developer has since passed away, but his son, Cal Fiore, inherited the undeveloped lots, including the wetland area. Cal also serves on the Town Council. Cal wants to see the bridge that his father built in the 1950's replaced by a modern structure.

Catamount Island bridge is actually a floating barge that swings open to allow traffic on the Intracoastal Waterway to pass. The State acquired the bridge from Cal's father in the 1960's. The State Department of Transportation (DOT) maintains the bridge and staffs it with a bridge operator 24 hours a day, seven days a week. The bridge opens on demand for commercial traffic, and on the hour for everyone else.

The DOT has sought to replace the bridge with a new structure for the past 20 years, noting concerns over safe and efficient transportation. It takes about ten minutes to open and close the bridge, and can usually handle normal, off-season traffic from the 270 mainland residents and the 250 island residents. However, during peak summer days when the average daily traffic over the bridge is about 10,000 cars and the Town population swells to 8,800, routine openings and closing can cause seemingly endless traffic delays. The bridge has also broken down on occasion, posing long delays for people wishing to leave the island. Although the Town employs both a fire department and an emergency medical service crew, no services exist on the island side of the bridge.

According to DOT engineers, there are two alternatives to the current bridge. The first is a high-rise fixed span structure. The high-rise would require drainage of Blaine Creek, and relocation of Big Narrows Channel. Nine acres of wetlands would be filled in. The second option is a mid-level draw bridge. This option involves less environmental damage only 3 acres of wetlands would be sacrificed, but requires a bridge operator. DOT's preferred option is the high rise.

The bridge issue has split the town. Many on the mainland, including the mayor, Bonnie (Barney) Baskins, believe that a high-rise bridge is necessary to unite the two areas. Most island residents, represented by Marvin (Marge) Birdwell of the Catamount Island Citizens Association, like the pontoon bridge and want to keep it. At worst, they'd settle for the mid-rise option.

Catamount Island Bridge

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Bonnie (Barney) Baskins, Catamount Island Mayor
I am Bonnie (Barney) Baskins, the mayor of Catamount Island. I am concerned about the limited access to the island part of town. As mayor, I oversee management of Town services on both island and mainland. The old bridge is a major impediment to the provision of efficient and effective services. We need a new bridge. In fact, of the two bridge options, the only one that makes sense is the high-level span.

The high-level span will save taxpayers money. Can you imagine how expensive it would be to keep someone employed 24 hours a day to continue to operate a draw bridge? No, the state doesn't need to be spending money like that.

I really care about the safety of our school children. I have two children in our school system. The old bridge structure is a hazard to our school children. School buses have been stranded on the island for long periods while the bridge is open for commercial traffic. What if something happened to one of those children while the bridge is open and they can't get across? Also, on many, many occasions, children are late for school because the buses are stranded on the island while the bridge is open.

One of my worst fears is that a major catastrophe could occur on the island at a time that fire and ambulance services are blocked from crossing. All we could do in that case would be to wait. Someone could die needlessly. Also, because of our town's growth, we need to buy a larger fire truck. But a larger truck won't be able to get across that bridge! We won't be able to trade in our older truck for a newer one. Without a new bridge, we'll have to own a smaller truck at the expense of our tax payers.

I feel that a good bridge would unite the community.   I'm a resident of the mainland. I see the island as an isolated enclave where mainlanders hardly venture, and in fact, we are unwelcome. By enabling easier access, I see opportunities for the island and mainland parts of town to begin to act like one town, not two.

The Catamount Island Citizens Association say they are concerned about the environment. If they are so concerned, why don't they want to do something about the pollution caused by all the boats that have to wait in the channel for the bridge to open? I have seen more than 20 boats at one time backed up waiting to cross. Every one of those boats was running its engines. You could smell the diesel fumes for miles. And you can bet that when their toilets were full, they were dumping those things right in the channel... not twenty yards from peoples' front yards!

Most of those people in the Citizens Association are just complainers, really. They have their little piece of heaven and want to deny it to anyone else. Why, Marvin (Marge) Birdwell even fought the development of the Food Town grocery on the west end of town. Before we had the Food Town store, we had to travel 15 miles to buy groceries. And you know what? I saw Marvin (Marge) buying groceries at the Food Town last week.

Catamount Island Bridge

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Marvin (Marge) Birdwell, Catamount Island Citizens Association
I'm Marvin (Marge) Birdwell, a member of the Catamount Island Citizens Association, a group of island homeowners. We created the CICA as a way to respond to many of the threats facing our island, largely as a result of development pressures. I am firmly opposed to the development of a high-rise span.

The biggest problem is that bridge construction would destroy estuarine wetlands on the west side of the island. To build such a massive bridge, DOT will have to drain and fill in over nine acres of wetland. Coastal wetlands are the breeding grounds for shrimp and other fish species that our commercial fishermen depend on for their livelihoods. I am just not willing to sacrifice another acre of wetland for one of DOT's grandiose public works projects!

This island is a special place. The large wetlands on the west end are a refuge for wildlife as well as for the soul. Did you know that this barrier island is unique in that it is actually gaining rather than losing its beach? We have too much at stake to allow developers to plunder.

DOT has been dishonest in its representation of the facts. We proved that in court eight years ago when we stopped the bridge the first time. The judge agreed with us that their finding of no significant impact from the proposed structure was balderdash. So now they have to undergo a full-fledged environmental impact study. But still, they are playing fast with the facts. Do you think that the impacts will be any less severe than they were a decade ago? Absolutely not!

Right now, the island's west side is largely undeveloped. As it should be. Cal Fiore would love to sell those lots, but they won't perk. They're too wet. He knows as well as we do that those west side lots are part of the overall wetland ecosystem. If they get that bridge, you bet you'll see a sewer line connected to that span. Once sewer is in, this island will be no different from every other barrier island along this coast a barren strip of sand stacked end to end with houses, condominiums, and bikini shops.

The mayor and her (his) friends are pushing for development. I've seen a lot of people around here get rich as land prices have spiraled in the past 15 years. But we have too much of a good thing here. Let's not spoil it! We can't keep building and developing without suffering from the damage it is causing. Sure, we can push for strict zoning to protect the "sense of place" that this island provides. But I don't trust the folks in city hall. Any protection policy that can be constructed can just as easily be dismantled.

Look, I'm a realist. I know that we'll eventually have to update the pontoon bridge. The shipping and boating interests are just too strong to hold off forever. But we don't need a high rise span. In fact the mid-level draw bridge proposal that DOT is touting could be scaled back considerably. The tall-masted sail boats would still have to wait for the bridge opening, but most other craft would be able to get through. In fact, most of those pleasure boaters would be happy to trade an hour-long wait for the preservation of pristine wetlands.

**Turning lemons
into lemonade**

Public Conflict Resolution

Through a lecture and reflective listening exercise the skills of active listening will be introduced to the participants.

Purpose	Workshop participants will be introduced to active listening skills that improve communication in conflict situations.
Objectives	As a result, participants will: • Understand why listening is an important skill for resolving conflicts. • Learn how to use five active listening skills.
Time	20 minutes
Materials Needed	Flip Chart and Easel Markers Overhead Projector
Overheads	21 How to Actively Listen 22 Effects of Active Listening
Handouts	Five Active Listening Skills
Directions	1. The trainer identifies active listening skills as methods of understanding the other person, including ways of responding so the other feels respected and senses he/she has been understood. Collaboration in problem solving requires as much or more listening than speaking.
Overhead 21	2. The trainer uses **Overhead 21** (How to Actively Listen) to discuss how to actively listen.

3. There are five general listening/reflection skills that help make a person a good active listener. They are identified as: 1) attend and encourage, 2) reflect content, 3) reflect feelings, 4) clarify and 5) summarize. The handout "Five Active Listening Skills" is distributed and the purposes of the five listening skills are read aloud. The trainer should encourage the participants to offer different examples than those provided.

Overhead 22

4. The trainer should let the group know that they may at first feel awkward using these skills; but as they become accustomed to them they will learn just how important active listening can be in understanding and resolving conflicts. **Overhead 22** should be displayed to list the effects of active listening.

5. The participants should be broken into groups of two in order to practice their active listening skills. Instruct the group to allow each member of a pair three minutes to talk about any personal conflict or problem they've had recently. The partner should employ active listening skills. After both members of the groups have practiced listening the trainer should ask whether the people speaking felt as though they were heard and understood by their partner. What words and phrases were particularly helpful in conveying to the speaker that s/he was really being listened to?

Turning lemons into lemonade

Unit 5
Communicating for Collaboration:
Active Listening
Handouts

Five Active Listening Skills
Handout 1

Public Conflict Resolution

Response	Purpose	Example
Attend, Encourage	To convey interest and prompt the other to keep talking	I see
Reflect content	To check your meaning with theirs, and show you are listening and understanding	As I understand it, your plan is. . . This is what you have decided to do, and the reasons why are. . .
Reflect feelings	To show that you understand how they feel, and to help them temper and evaluate their feelings	You feel that. . . As you say it, it was a shocking thing
Clarify	To get additional facts, and help them explore all sides of a problem	I'm not sure I understand How did you say it happened?
Summarize	To bring the discussion into focus, and to serve as a springboard for further discussion	These are the key ideas you have expressed. . . If I understand how you feel, you. . .

Unit 6
Communicating for Collaboration: Speaking for Yourself
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

Assertion skills are introduced and then practiced. How to deal with tough emotional responses in others and in yourself is also discussed.

Purpose	The intent of this unit is to improve the assertion skills of both advocates and neutrals in conflict situations. Advocates and neutrals also learn how to deal with the emotional responses within themselves and others.

Objectives

As a result, participants will:

- Learn why speaking for one's self is an important skill for resolving conflicts.
- Learn the difference between "I" and "You" messages.
- Learn how to properly phrase "I" statements in confrontive and productive assertions.
- Learn how to use the assert-reflect sequence.
- Become familiar with other "feeling words."
- Learn how to handle difficult emotions in others.
- Learn how to handle one's own anger.

Time

45 minutes

Materials Needed

Flip Chart and Easel
Markers
Overhead Projector

Overheads

23 "I" Messages
24 "You" Messages
25 Confrontive Assertion
26 Productive Assertions

Handouts	1. Sample Feeling Vocabulary
	2. Handling Difficult Emotions in Others
	3. Handling Your Own Anger
	4. The Truck Case from Unit 3

Directions

1. The trainer reads the following: "Speaking for yourself requires sharing your needs, values and feelings openly with others to deal completely and concurrently with the issue. It means managing yourself; not manipulating others. Speaking for yourself allows you to get to the crux of an issue, deal with the tension and differences without blaming, demanding, defending or deceiving others. It's straight forward, honest, and respectful communication; it's achieved through the use of "I" messages and the avoidance of "You" messages."

Overhead 23 & 24

2. There are two types of messages that neutrals and advocates in conflict situations send to others: "I" and "You" messages. The trainer uses **Overheads 23 and 24** to discuss "I" and "You" messages. Ask the participants for examples in their work or personal life that illustrate the effect of both "I" and "You" messages in expressing feelings.

Overhead 25

3. The trainer says that the Confrontive Assertion is a special "I" message. There are times when you want to signal another person that he/she needs to avoid or alter a given behavior in order to satisfy your needs. The Confrontive Assertion Formula is used to help keep assertion relatively short and easy for the receiver to grasp. It also helps the sender remember the three necessary elements described on **Overhead 25** (Confrontive Assertions).

Examples:

"When you are absent from committee meetings <u>I feel strongly</u> that staff effectiveness is reduced because we don't have the benefit of your experience and knowledge in plant site relocations."

"<u>I felt angry when you</u> didn't show up. I got there late and felt panicky when I found I had missed half the presentation. <u>I need to know you will be able to</u>

give me a ride when you say you will, or else I will make other arrangements."

4. Having shown **Overhead 25** (Confrontive Assertions), the trainer mentions that there is a fourth element to confrontive assertions that may be used:
...and what I'd like is...(make a suggestion for the future)

Example:
"...and what I'd like is...for us to discuss how this situation can be avoided in the future."

Overhead 26

5. Once the participants understand confrontive assertions, other words and phrases may be substituted to get across more productive assertions. The idea being to make the assertion less individual, and thus less personal. Use **Overhead 26** (Productive Assertions).

Examples:

"I am really excited about this proposal and I believe it will benefit us all. But I am puzzled by your position, and members of the group are beginning to feel pressured about reaching a quick agreement."

"I really become concerned when you "come on hard" with the other commission members during our meetings. Some of the members tend to withdraw when it happens and then we can't draw on their expertise."

"It makes us anxious when we see that your committee expenses are about to exceed our budget, and we're puzzled when we don't see any corrective action being taken."

6. The trainer says, "Use of a confrontive "I" message does not guarantee a non-defensive response on the part of the recipient. The recipient may not appreciate being told his/her behavior interferes with your efforts to satisfy your needs. He/she may become very defensive and highly resistant to

making a change. In this case, you will need to switch to active-reflective listening after making your assertion. Remember that active listening skills were discussed in unit 5."

7. As an exercise, have the participants break into pairs. Having already discussed the example assertions on **Overheads 25 and 26** (Confrontive Assertions and Productive Assertions), the trainer instructs the pairs to practice the assert-reflect sequence using the characters and story line given in the unit 3 handout "Ugli Orange Case." The Jones and Roland characters should take turns making assertions that are consistent with their interests, while the other person practices their active-reflective listening skills.

8. Because it can be difficult for people in conflict to express their feelings, the handout "Sample Feeling Vocabulary" is distributed. This list can be helpful for capturing the feelings of the parties involved, while still reframing their language in order to get at interests rather than positions. Write any other suggested terms down on the flip chart.

9. The trainer notes that assertions, reflections and enhanced vocabularies don't always remove the emotional obstacles to reaching agreement. Handling difficult emotions in others and anger in yourself is an important skill for anyone involved in resolving public conflict. The handout "Handling Difficult Emotions in Others" is distributed and read aloud by the trainer. Ask the participants if any clarification is needed. Do they see any approaches for dealing with difficult emotions in others that were left off of the handout? Write any responses on the flip chart.

10. Because people pay attention to and respond to more than what is said between people, body language is important in conflict situations. When working to resolve a conflict it is helpful if the disputants and neutrals keep in mind a few body language guidelines. Whether talking or listening, arms should not be crossed because this conveys a closed mindset—disinterested in other's ideas. Eye

contact is important, particularly when one is trying to make sure they are understood or are understanding what is being said. Unfortunately, eye contact can also have a negative impact in conflict negotiations. For example, if one party in a conflict has a notable power advantage over another they may use "stare downs" to intimidate the other. In such instances the neutral party (if there is one) should try to absorb the attention of the more powerful party so as to lessen the tension and pressure.

When speaking, the person should try to keep the palms of their hands up as they gesture. This suggests openness and offering. Always maintain at least three feet distance from a person you address. Being too far into another's personal space can quickly turn them off from hearing what you are saying and injects a new tension into your interactions.

Finally, try to soften your own motions. Abrupt and flailing gestures are distracting and often counter-productive in trying to find calm, peaceful, and rational solutions to conflicts.

11. The trainer addresses the difficulty of dealing with our own anger in conflict situations. The handout "Handling Your Own Anger" is passed around and read aloud. Have the participants respond to the questions on the handout. A list on the flip chart should be made of the on-going tension release techniques and one-off tension release techniques that the participants recommend. The trainer asks the participants how we can translate these personal ways of dealing with stress into the public sphere.

Turning lemons into lemonade

Unit 6
Communicating for Collaboration:
Speaking for Yourself
Handouts

Turning lemons into lemonade

Public Conflict Resolution

accepted	discontented	insecure
accommodating	discounted	intimidated
affectionate	discouraged	intruded upon
alone	disliked	irritated
amazed	dissatisfied	isolated
amiable	disturbed	
angry	eager	joyful
anxious	ecstatic	
appreciated	elated	kind
assured	embarrassed	
astonished	encouraged	left out
attacked	enraged	liked
	enthusiastic	lonely
belittled	envious	loved
betrayed	excited	
blamed		miserable
bored	fearful	misunderstood
	friendly	
capable	frightened	obliging
cared for	frustrated	on the spot
cautious	furious	open
certain		overwhelmed
cold	gentle	
compassionate	glad	tender
concerned	gloomy	thrilled
confident	guilty	
confused		uncertain
considerate	happy	uncomfortable
content	hateful	understanding
cornered	hesitant	uneasy
crushed	honest	unimportant
	hopeful	unkind
daring	hopeless	unpopular
defensive	humiliated	upset
dejected	hurt	uptight
delighted		
desired	ignored	wanted
desperate	important	warm
determined	in a bind	worried
disappointed	infuriated	

Turning lemons into lemonade

Public Conflict Resolution

If we react to others defensively by attacking or withdrawing, conflict often increases. If, instead, we respond appropriately, we can help to bring the emotions to a level at which the issue can be dealt with more constructively.

Try the following:

Receive	Listen and say nothing for the moment. Give the other person room to discharge emotions. Respect the other person's communication of feelings.
Notice	Observe your own reaction.
Center	Tune into yourself. Breathe deeply.
Listen again	Ask yourself what you are picking up from the communication. Separate feelings from content. Strain out what is valid and let at least some abuse pass you by.
Reflect back	Reflect both feelings and content. "Let me check with you if..." "Is what you are saying...?"
Clarify and Explore	What are the other person's needs and concerns? Explore what is behind the words being used. Ask questions to shift the focus from anger to exploring the issues.
Repeat the cycle	Ensure that both feelings and facts are mutually understood.
Move	Acknowledge needs and concerns. Consider the next step e.g. develop options, make an "I" statement, take time out.

Turning lemons into lemonade

Public Conflict Resolution

- When anger is experienced, adrenaline is released into the body. Blood rushes to our legs, arms, and head; we begin to sweat and to breathe quickly. Our heartbeat speeds up; we may have a strong urge to yell, scream, kick, hit, or run. We tend to react by fight or flight.

- Anger is either physically released at the time it is experienced, or it is suppressed. Since it is rarely appropriate to release anger physically for fear of damaging relationships, or causing bodily harm, it is often suppressed.

- If not released at the time it is experienced, then anger gets stored in our bodies as muscular tension. The particular part of the body affected varies considerably from person to person.

In what part of your body do you notice tension when angry?

- If this tension is not released, one of two things may happen. It may build up until it can no longer be suppressed, and we explode at (or "dump" on) someone who may have had nothing to do with the original anger. It may remain unreleased and, over a period of many years, cause chronic muscular holding patterns and possibly damage to our immune system.

- When deciding on a way to release our anger which is right for us, we need to remember that the tension is best released in a manner consistent with the intensity of the emotion (e.g. when we feel like hitting someone, swimming may be more appropriate than meditating). Many people prefer regular, on-going activities which prevent the excessive build-up of day-to-day tensions in the first place. As well, most of us may also need some techniques for releasing some of the tension in a one-off way, after a particularly strong experience of anger or frustration or upset.

What on-going tension release techniques do you use?

What one-off tension release techniques do you use?

Unit 7
Steps of Collaborative Problem Solving
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

A video illustrating a public issue in south Texas followed by an exercise that challenges the participants to think through each stage of the collaborative problem solving process.

Purpose
The participants will learn the temporal stages of collaborative problem solving using the interest-based approach.

Objectives
As a result, participants will:
- Learn the three phases of the Interest-Based Problem Solving Process.
- Explore each phase through a videotaped case study.
- Understand the components of each phase.
- Learn that the process is ultimately flexible and must be tailored to each issue and situation.

Time
45 minutes

Materials Needed
Flip chart and Easel
Markers
Overhead Projector
Video player and monitor

Overheads
27 The Planning Stage
28 The Deliberation Stage
29 The Post-Deliberative Stage
30 The Bottom Line for Interest-Based Problem Solving

Handouts
1. The Stages of the Interest-Based Problem Solving Process
2. The Cameron County Coexistence Committee

Video
"Public Issues Education, Approaches that Work" distributed by the University of Wisconsin-Extension. Extension Publications, Room 18, 45 N. Charter St., Madison, WI 53715-1296. Phone 608-262-3346 / 1-800-WIS-PUBS. Use the 20-minute video portion that focuses on the "Cameron County Coexistence Committee."
VII-1

Directions

The trainer indicates that "Interest-Based Problem Solving Processes" unfold in three general stages:

1) "Pre-deliberation" or the planning stage

2) "Deliberation" or the problem solving stage

3) "Post-deliberation" or the implementation stage

The trainer writes these three stages on a flip chart and notes that each stage is crucial for the creation of a durable resolution of the issue.

The trainer hands out the "Cameron County Coexistence Committee" exercise and indicates to the group that they will view a 15-minute video that describes an issue that involved an endangered falcon and pesticide use in a cotton-growing community in south Texas. The trainer then asks participants to take turns reading from the introduction to the issue.

The trainer divides the class into three groups and names one the "Pre-deliberation Group," the second the "Deliberation Group" and the third group the "Post-deliberation Group." The trainer instructs each to review the set of three questions pertaining to their group, and to think about those questions as they watch the video. The trainer instructs the groups that at the conclusion of the video, they will work together within their respective group to answer the questions they have been assigned, and report their findings to the other two groups. The groups are to begin by appointing a reporter. The trainer then begins the video.

At the conclusion of the video, the trainer reminds the three groups that they are to take 15 minutes to answer their assigned questions. The trainer reminds the groups that not all the details pertinent to the issue were revealed in the video. Therefore they may have to speculate what could have happened or should have happened in the context of this particular issue.

After the class has taken 15 minutes to discuss their questions, each group is to report its findings to the other two groups. The trainer begins with the "Pre-deliberation Group," asking the group reporter to read each question aloud, followed by the group's response.

Overhead 27

The trainer posts **Overhead 27** as the "Pre-deliberation Group" is reporting. As the answer to each question is reported, the trainer draws the class's attention to the relevant step that the group is discussing at that time. In the ensuing discussion of the planning stage of collaborative problem solving, the trainer notes that the planning stage should be carried out with a group of stakeholders who are knowledgeable about and committed to the issue and are willing to participate in the process from the beginning. The trainer reads the sub-points of each step of the Planning Stage from the handout "The Stages of the Interest-Based Problem Solving Process," but should not distribute this handout yet.

Overhead 28

Next, the trainer asks the "Deliberation Group" to report and posts **Overhead 28** to illustrate the specific components of the Deliberation Stage. As before, the trainer reads the sub-points of the Deliberation Stage from the handout and ties each question to one or more components of this stage.

Overhead 29

The trainer posts **Overhead 29** and asks the "Post-deliberation Group" to report. The trainer again ties each response to the components of this stage.

At this point the trainer distributes the handout so that the participants have a copy of the stages. The trainer emphasizes that these stages are not absolute. Although the stages remain fairly consistent, that is, there is a beginning, a middle, and an end to collaborative processes, disputants may skip or change parts within each stage. In reality, it would be a mistake to adhere to each stage in a rigid way. Groups may have to hop back and forth from one component to another in order to reach agreement. **The bottom line is do whatever works.**

Overhead 30

The trainer uses **Overhead 30** (The Bottom Line for Interest-Based Problem Solving) to provide a basic summary of what is important in the actual problem solving process. The trainer answers any remaining questions about the process and its steps.

Turning lemons into lemonade

Unit 7
Steps of Collaborative Problem Solving
Handouts

**Turning lemons
into lemonade**

The Planning Stage — Getting Started

The planning stage should be carried out with a group of stakeholders who are knowledgeable about and committed to the issue and are willing to participate in the process from the beginning.

1. **Assess the issues**
    - Develop a clear description of what needs to be addressed.
    - Frame the issue in question form: "How can we..."

2. **Identify stakeholders**
    - Determine whose interests are at stake.
    - Who can affect and who is affected by the issue?
    - In terms of the stakeholders, are there clear inequities of power between groups?
    - Contact stakeholders and determine their needs for participating in a collaborative process. Stakeholder interviews can be crucial to the design of the process.

3. **Design a strategy**
    - Consider what would be the most productive format: committee, negotiating team, conference format, etc.
    - Agree on process steps and plan your time frame.
    - Identify roles and who might fill them: chairperson, facilitator, recorder, technical resources, meeting logistics, etc.
    - Decide how decisions will be made, and who has the authority to make them.

4. **Set up a program**
    - Decide on logistical details: where and when to meet, how long meetings should last, agenda, etc.
    - Draft a meeting plan (also called "group protocols" or "convening document").
    - Decide on the cost of the process (facilities, mediator, food, etc.)

The Deliberation Stage — Searching for Agreement

At this point you have contacted all stakeholders, designed the process strategy, and have convened the first meeting.

5. **Set the tone**
   - An appropriate cultural ritual or ceremony may help put the parties in the mind set to collaborate with one another.
   - Food, drinks, and scents can improve the comfort level of disputants.
   - Tell the participants that by design, the interest-based approach does not seek to reproduce any power inequities that exist between the stakeholders outside of these negotiations.

6. **Establish procedures**
   - Develop ground rules to guide the discussion.
   - With the whole group, ratify the meeting plan drafted during the planning stage. Make changes where necessary.
   - Decide what the final product should be—a contract, a plan, a rule, a vision, etc.

7. **Educate each other (whenever it is needed)**
   - Share concerns related to the topic.
   - Identify what is given and what is understood by all parties.
   - Identify sub-issues.
   - Identify and share interests—reasons, needs, concerns and motivations underlying participant's positions—rather than assert positions.

8. **Define the problem**
   - Define the present situation from everyone's perspective.
   - If the problem has several dimensions, break it into separate parts.
   - Define the desired future in neutral terms (that don't cast the outcome of this process in winner-loser language).

9. **Specify information needs**
   - Identify information that is available and information that is needed.
   - Agree on methods for generating answers to relevant technical questions, or a path to follow even if no technical consensus exists.

10. **Generate options**
    - Use task forces for larger groups.
    - Bring in the public (as appropriate).
    - Brainstorm.
    - Use expert opinion.

11. **Develop criteria for option evaluation (see Unit 10 for discussion)**
    - Technical
    - Political
    - Value-based

12. Evaluate options (see Unit 10 for discussion)
- Have participants create a list of criteria that can be used to evaluate the options.
- Examine what others have done; test or use pilot projects.

13. Reach agreements (see Unit 10 for discussion)
- Build up/eliminate
- Single text
- Agreement in principle
- Building block

14. Develop a written plan
- Document areas of agreement to ensure a common understanding of the participant's accord.
- Develop a plan of action: what, how, when, where, who.
- Draft a statement on how the results of the agreement are to be monitored.

The Post-Deliberation Stage — After the Agreement is Reached

15. Ratify the agreement
- Parties get support for the plan from stakeholders (organizations and individuals) that have a role in carrying it out.
- Each organization involved in the design of the agreement follows its own internal procedures as it reviews and adopts the plan.

16. Implement the agreement
- Maintain communication and collaboration as the plan is carried out.
- Monitor the results.
- If necessary, fairly criticize the results and address any failures of the agreement.
- Renegotiate as needed.
- Celebrate your success.

This video describes a public issue involving a conflict between federal efforts to protect an endangered species, and local efforts to maintain cotton production in Cameron County, Texas.

When the U.S. Environmental Protection Agency (EPA) circulated a draft proposal to ban 17 pesticides as a measure to protect the Aplomado falcon in south Texas, growers grew alarmed and angered. The ban would have had devastating effects on the local economy, yet the EPA did not seek input from the community. In fact, the Endangered Species Act (ESA) allowed a "spare no cost" approach to species rehabilitation without considering its impacts on farmers and others. Moreover, the county's farmers had cooperated with the U.S. Fish and Wildlife Service (FWS) to bring in a program for releasing the falcon, and now felt penalized for that cooperation. A letter writing campaign organized by the local cotton growers' cooperative succeeded in stalling the proposed ban. However, the possibility remained that some form of revised ban would be proposed.

Terry Lockamy, the Agricultural Extension agent in Cameron County helped organize a group of nine stakeholders to study the issue and offer "functional solutions" to the problem at hand. The group, the Cameron County Coexistence Committee met over a period of four months. They produced a consensus proposal that involved banning five pesticides completely, restricting three to in-soil application, and requiring notification of FWS before use of two others. All agreed that it was unnecessary to ban the remaining seven of the 17 pesticides on the EPA list.

This video is an excellent example of how a trusted third party is able to convene a group of stakeholders to resolve a public policy conflict through a collaborative approach. The video does a good job of describing the problem, defining who the stakeholders were, and describing the outcome. What it does not show is how the agent managed to get the stakeholders to the table, what occurred while the group was meeting, how they got to an agreement, and how they made the agreement stick.

Watch the video. Afterward, divide into three groups and discuss what you saw by addressing the questions below:

<u>**Group 1: Pre-Deliberation**</u>
- How was the possibility of collaboration brought up? By whom? A stakeholder? A neutral?

- Who do you think had to be represented on the committee for an agreement to work (you don't need to name names, but only organizations or interests)? Why did the stakeholders decide to collaborate?

- What are some obstacles that had to be overcome, and complexities that had to be dealt with in order for this group to work?

<u>**Group 2: Deliberation**</u>
- What do you think the members of the Coexistence Committee spent most of their time doing during the early part of their deliberations?

- Obviously each group came to the meeting with a particular position on the issue. How do you think they got each other off positions in order to come up with "functional solutions?"

- What do you think was for them the most difficult part of the process in moving from conflict to agreement?

<u>**Group 3: Post-Deliberation**</u>
- Each group's negotiator went to the table with a position to defend. It is conceivable that the solution to which the negotiator agreed was very different from the original position. What kind of problems can this cause? What should the negotiator do to avoid these problems?

- The Cameron County Coexistence Committee was a group of citizens with no policy-making authority. Was this process part of a *real* decision making process? What made it possible for this group to affect federal policy?

- What do you think is the greatest challenge to policy working groups (even if they are appointed by elected officials) with respect to integrating their recommendations into official policy? How can they overcome this challenge?

Turning lemons into lemonade

**Unit 8
Problem Solving as an Advocate
Instructor's Guide**

Public Conflict Resolution

A lecture and role-play will introduce skills that prepare the participants to problem solve as advocates. By focusing on interests and effectively communicating them, participants will learn the basics of interest-based negotiation.

Purpose

This session teaches participants how to negotiate as advocates, as non-neutrals. Understanding negotiation alternatives and how to communicate interests are among the topics emphasized.

Objectives

As a result, participants will:
- Learn the alternatives to negotiating.
- Practice solving a public conflict as an advocate.

Time

Two hours

Materials Needed

Flip chart and Easel
Markers
Overhead Projector

Overheads

31 Three Degrees of Alternatives
32 You Are Ready to Negotiate When:

Handouts

Unhappy Trails

Directions

1. In order to problem solve as an advocate you must understand the purpose of negotiation. The trainer mentions that the purpose of negotiation is not always to reach agreement. Agreement is only one means to an end, and that end is to satisfy your interests. The purpose of negotiation as an advocate is to explore whether you can satisfy your interests better through interest-based techniques than you could pursuing your Best Alternative to a Negotiated Agreement (BATNA).

The idea of a BATNA deserves further discussion. Despite the emphasis this training places on negotiation processes, it isn't always desirable or necessary to settle public conflicts through interest-based problem solving techniques. People tend to overestimate their position going into a negotiation: "Our group is right"; "The public supports us"; or "Legally, we're right." Sometimes it is best for a stakeholding party to approach problem solving through other means. Best Alternatives may include: litigation proceedings; an economic boycott; waiting for public sentiment to change; building stronger grassroots support for your issue; or simply sleeping on it. All of these possible alternatives to formal problem solving techniques should be weighed by stakeholders who are trying to advocate for the best possible resolution of their problem. By the same token, such options may end up as the Worst Alternative to a Negotiated Agreement (WATNA) or simply as the Most Likely Alternative to a Negotiated Agreement (MLATNA). A stakeholder advocate must reasonably understand their parties' BATNA, WATNA, and MLATNA in order to take an effective problem solving approach.

2. The first step in preparing for negotiation as an advocate is to clarify your own thinking. The trainer should write on the flip chart the following questions, which focus on uncovering the parties' interests:

   a. What are your concerns and interests?
   b. What options might solve your concerns and be acceptable to the other parties?
   c. What kind of outcome do you want?
      • What do you aspire to?
      • What would you be content with?
      • What could you live with?
   d. How can you maneuver around your "bottom line?"

Overhead 31

3. Before negotiations begin, the advocate should understand what their alternatives to negotiation are. The trainer displays **Overhead 31** to list the three degrees of alternatives: BATNA, WATNA, and MLATNA. Tell the participants that if the acronyms are confusing that remembering 'Best', 'Worst', and 'Most Likely Alternative' is what is important.

4. The trainer should mention that after having identified their 'Best', 'Worst', and 'Most Likely' Alternatives to a Negotiated Agreement, the advocate then needs to decide what is the key to leveling the playing field so that they may pursue their 'Best Alternative'. The advocate may opt for the "Walkaway" alternative (where the advocate withdraws from negotiations with the opposing advocate), the "Interactive" alternative (where opposing advocates negotiate between themselves without a neutral), or the "Third-party" alternative (where a neutral helps opposing advocates work to negotiate some agreement).

5. Preparing for negotiation as an advocate also requires that the other parties be understood. The trainer should write the following questions concerning the other parties in conflict on the flip chart:

   a. Who else has an interest in this issue? Should they be brought into the process?
   b. What resources do they bring?
   c. What perceptions do they have that may complicate the issue?
   d. What is their BATNA (Best Alternative)?
      • The key is to develop an agreement that is superior to their best alternative.
      • If their BATNA is so good that they won't negotiate, can you change it?

6. It is at this point that the advocate decides if they should negotiate. In considering the responses that the advocate comes up with to the questions written on the flip chart, the trainer should tell the participants not to overestimate their own BATNA (Best Alternative), and to remember their WATNA (Worst Alternative) and MLATNA (Most Likely Alternative) too.

7. If the advocate chooses to go forward with the interest-based negotiations, they should determine the negotiation processes and strategies they will employ. The trainer should read the following questions:

   a. Tough issues first or last?
   b. Should we use experts and data?
   c. Should the process be assisted or unassisted by a neutral?

   VIII-3

Overhead 32

8. The trainer emphasizes that all of the above preparation is important before an advocate begins negotiating. **Overhead 32** (You Are Ready to Negotiate When:) is shown and read aloud to restate the preparation on the part of an advocate that should precede negotiation.

9. The trainer should distribute the handout role-play "Unhappy Trails" and follow the directions posted on the first page (which only the trainer has a copy of). Have the participants act out the role play for as long as the sides are making progress in identifying the answers to the questions raised in this unit.

Turning lemons into lemonade

Unit 8
Problem Solving as an Advocate
Handouts

Turning lemons into lemonade

DISCUSSION GUIDE FOR CONFLICT COACHES

Step # 1   Everyone in the group gets a copy of the sheet "Unhappy Trails." This should be read aloud by three of the participants. Each takes his/her turn reading one of the paragraphs.

Step # 2   Divide the group in half. Half of the group receives "Confidential Information to Representatives of Dixie Rails Trust" while the other half receives "Confidential Information to Representatives of the Greenleaf Property Owners Association." Everyone receives a copy of the sheet, "Preparation for Negotiation Worksheet."

Step # 3   Each of the two groups attempts to find a space to meet and prepare for negotiation. Each group will fill out the "Preparation for Negotiation Worksheet." They will also select two spokespersons from the group to meet with the other side and negotiate.

Step # 4   The actual negotiation takes place. The coach may choose to serve as a neutral or he/she may choose to let the two parties come together and negotiate without a neutral.

Step # 5   The coach conducts a debriefing session. Some questions you might ask include:
- Why did you come to the table? Why didn't you pursue litigation?
- Were your real interests met? Why or why not?
- Do you think the other side's interests were met? Why or why not?
- What were the highlights of the negotiation process?
- Why was a deal made? Why or why not?

Turning lemons into lemonade

Public Conflict Resolution

Public Information
This information should be distributed to everyone.

The Old Milwaukee & Southern is finally pulling up its rails. The rails ran in an east-west direction through Monroe County since the 1880s. Like many railroads of its day, the Old Milwaukee purchased lands as well as easements along its right-of-way. Many of these easements contained clauses that the land would revert to its owners if the railroad were ever abandoned. The tracks ran through a variety of settings: industrial areas, farmland, neighborhood settings and a business district. Monroe County recently opened two parks on both ends of the track.

With the abandonment approaching, many people in Monroe County saw this as a wonderful opportunity. The County was interested in keeping the corridor open for future public uses such as water mains, fiber optic cables, or even construction of a new railroad. Many trail enthusiasts saw the opportunity to connect the county park on the east with the county park on the west. In fact, the Dixie Rails Trust, a statewide organization that purchases abandoned rail rights-of-way and converts them to trails has begun proceedings to have the corridor deeded to the state. They will then purchase the rights from the state for the purpose of building the trail. They have the support of the Monroe County government, the local bicycling club, the Downtown Association and the "Senior Walkers Society" and the local chapter of the Sierra Club.

A group of farmers and a small collection of homeowners in the unincorporated hamlet of Greenleaf, a three mile area along the track, are worried. Historically, the corridor in this area was obtained through easements attached to property deeds. The deeds state that the land reverts back to private ownership upon abandonment by the railroad. However, the people near Greenleaf are also aware that in many such cases, court decisions have not come down in their favor. They have petitioned both the County of Monroe and the State Department of Transportation to block the transfer of the 22 mile rail corridor. Neither body has acted on the petition.

Preparation for Negotiation Worksheet

1) What is your perception of the problem?

2) What is your alternative to negotiating an agreement at the table? (i.e., lawsuit, economic boycott, etc.) What might theirs be? Is it necessary to think of a way to make it easier for them to come to the table and negotiate?

3) What are your interests (needs, desires, concerns, fears)?

4) What do you estimate their interests to be? (Treat these as theory and test them early in the negotiation.)

5) What are the core interests here?

6) How might you frame the problem to bridge all known interests? One way to do this is to ask, "how can we…?" Remember you are using the inclusive "we" here.

7) As you meet, keep the Principled Negotiation process in mind:
   - Separate the people from the problem.
   - Focus on interests, not positions.
   - Invent options for mutual gain.
   - Evaluate options using an objective criterion.

8) Should you reach an agreement, how can you be assured that all parties will live up to the agreement?

This sheet was adopted from Getting Past No: Negotiating Your Way From Confrontation to Cooperation William Ury, New York: Bantam Books, Revised Edition, 1993.

Confidential Information to Representatives of Dixie Rails Trust

You are tired of greedy landowners who see the opportunity to get free land. These people never really owned the property. In most cases, these homes were not in the same family when these rail easements were signed back in the 1800s. Now you have people—spearheaded by groups such as the Association for Reversionary Property Owners—crying "violations of my property rights!" and waving the flag and serving apple pie at their meetings. They say that such trails invade their privacy and invite crime into their neighborhoods.

You envision a trail that runs all the way from the Monroe County Eastside Park to the Westside Park, a distance of approximately twenty-two miles. Another trail built eight years ago in the town of Apple Hill is very successful. In fact, the stores and restaurants that abut the trail now cater to trail walkers and bikers. They point to the trail as a real profit booster. You have no recollection of complaints of crime or other afflictions from the residents that live near it. Studies have shown that this is merely a problem of perception, not reality.

The unincorporated hamlet of Greenleaf is the only holdout along the entire planned trail route. The opposition is quite strong and you don't have the support of the community like you do in Monroe County. In this western county, the elected officials backed down after a small group of neighbors came in full force to stop it. The Department of Transportation says they will defer to the local governing body in such disputes.

The Greenleaf property owners' position is that the corridor should revert to them when abandoned. But, you know that in most cases the law has upheld continued public uses of corridors regardless of deed reversions. You could probably ignore the Greenleaf people, let them sue, and continue with the trail after they lose in court.

However, the new mix of state legislators has changed this equation somewhat and they are breathing new life into the anti-trail efforts in the state. It may only be a matter of time before it becomes more difficult to do your job. If you can appease the Greenleaf people, you may be able to get what you need.

The trail is going to be very expensive to develop as planned. The county has pledged some money to landscaping and other amenities and you have received donations from several trail organizations. Your budget is fairly good going into the project but you don't really want to spend additional money on things you feel aren't necessary like legal fees or paying off the "squeaky wheels." You need to get this trail built. You feel you will lose a lot of your statewide support for your organization if you lose another one.

A couple of representatives from the Greenleaf Property Owners Association have agreed to meet with two representatives from your organization. Your task today is to prepare for a potential negotiation.

Confidential Information to Representatives of the Greenleaf Property Owners Association

You and your neighbors have worked hard to improve the unincorporated hamlet of Greenleaf. Some of the old homes and farms in the Greenleaf area were run down in the 1950s, but in the last 20 years, Greenleaf has really turned around. Greenleaf's prosperous farmers and homeowners fear the loss of the value of your property if a trail cuts through your land. The trail will provide direct access to Greenleaf from people who walk or ride bikes down the trail. By day, you envision people snooping on your farm or backyard and by night, you are sure the trail will become a "burglar's highway." You have done some research and have found places where trails such as this have actually degraded property values, turning quiet, secluded neighborhoods into parkways and byways.

But most important, you believe the rail corridor is really <u>your</u> land. You and your neighbors have researched your deeds and have discovered that the corridor reverts to you when abandoned by the railroad. You are a strong advocate for private property and feel that when the public takes private property, the landowner should be compensated. It's a constitutional right! But you also know that in most cases the law has upheld continued public uses of abandoned rail corridors. A Vermont couple took their case all the way to the Supreme Court and lost. But the new legislators in the state have changed the situation somewhat; they are breathing new life into property rights efforts. New judges are sitting on district court benches and it's only a matter of time before the situation turns around. An attorney friend of yours said that "win or lose, its going to cost you a bundle to go to court."

You know that the section that runs through your Greenleaf area is a crucial link. In order to get support from the Monroe County Merchants Association and others, the trail's group needs this link.

Most of your neighbors in the Greenleaf area agree with your position and don't want the trail. In fact, a recent string of burglaries has reinforced your neighbors' fears. Privacy and solitude are also big issues with people. Some farmers have said that the railroad did not allow them to cross easily from one end of their farm to another but if they got the land back, they could easily haul machinery from one end of the farm to the other.

Although you have support from your neighbors, several have said they aren't all that keen on a long fight in the courts. Three members of Property Owners Association said they did not support your position but they would not get in the way. You are not likely to get any support from the Monroe County elected officials. A couple of board members are sympathetic to your cause but the Sierra Club has their first loyalty.

You have been meeting with the farmers and others in the Greenleaf area for weeks about this issue. The Dixie rail-trails group has asked to meet with you to discuss the issue. You and your neighbors have decided to prepare for this meeting.

Unit 9
Problem Solving as a Neutral
Instructor's Guide

Public Conflict Resolution

Turning lemons into lemonade

The roles and skills of the neutral in public conflict situations will be introduced by way of a lecture and role-play exercise. Tips for getting past deadlocks, communicating interests, reframing issues, and generating options are discussed.

Purpose	The purpose of this session is to lay out the role of the neutral in problem solving. The skills necessary for being an effective neutral are discussed.
Objectives	As a result, participants will: • Understand the various roles of third party neutrals in public disputes. • Address a public dispute with the presence of a third party neutral.
Time	45 minutes
Materials Needed	Flip Chart and Easel Markers Overhead Projector
Overheads	33 The Role of Neutrals In Local Public Disputes 34 Ways To Overcome Deadlock and Generate Movement
Handouts	1. The Role of Third Party Neutrals In Local Public Disputes 2. Overcoming Deadlock: Generating Movement In A Public Conflict Situation 3. The Substance Abuse Treatment Center 4. The Case of Too Many Wockets (Optional)
Directions	Prior to the presentation of Chapter 9, the trainer

will distribute and read aloud the handout "The Role of Third Party Neutrals In Local Public Disputes."

1. The trainer asks the participants "What does neutrality mean to you?" Answers are recorded on the flip chart.

2. The trainer will ask workshop participants "Why would you want non-advocates— third party neutrals—to be involved in local public disputes?" Ideas are generated and recorded on the flip chart.

3. The trainer asks the participants for instances when it is not desirable to have a neutral involved in public disputes. Do neutrals ever interfere with the resolution of public disputes?

4. The participants should be asked for examples of neutrals helping or hindering the resolution of disputes within their communities. "Are there particular members within your community that regularly act as neutrals? What did they do?" Responses are recorded on the flip chart. The trainer may mention that in many Southern Appalachian communities ministers take the role of neutrals in disputes over money.

Overhead 34 a-d

5. The trainer distributes the handout "Overcoming Deadlock" and posts **Overheads 34 a-d** (Ways to Overcome Deadlock), reading the overhead aloud to guide the participants through the handout. Emphasize that negotiations can be stalled by any of these points, and that the neutral should adapt their approach to whatever factors they believe are holding up progress in reaching people's interests.

Overhead 33

6. The trainer displays **Overhead 33** (The Role of Neutrals In Local Public Disputes) as a follow-up to the discussion. He/She mentions that neutrals can address relationship barriers (if possible, make reference to the participants' insights in parts 2 and 4 of this unit). The trainer leads participants in a discussion about the strengths and potential problems of each role.

7. The trainer uses **Overhead 33** to discuss procedural barriers in conflict. A procedural barrier arises

when: a) the disputing parties don't know the other potential disputants; b) when no acceptable forum exists for negotiations; or c) the relationship between the parties is so strained that some procedural help is needed to break a deadlock. The trainer should lead a discussion about the strengths and potential problems associated with coaching, training, facilitation and mediation.

8. The trainer uses **Overhead 33** to discuss the role of neutral information and data providers.

9. The trainer mentions that many neutrals work in teams. There are several advantages to neutrals working in teams that should be mentioned:

   a. Neutral teams have strength in numbers—the skills and insights of two people is often better than one.

   b. Multiple neutrals allow greater balance. If one neutral appears to be favoring a party at another's expense, the second neutral can 'pull them back' to the needed impartiality.

   c. Gender differences can be addressed by team neutrals. Sometimes a party will be more open and honest when they feel that a neutral share's their gender-experience. For example, an all-female group of disputants may, at times, feel more comfortable talking directly to a female neutral. The *feeling* that the neutrals are understanding what a party is saying can be crucial in the negotiation process.

   d. Teams allow knowledge areas to be balanced. If one party is trained in legal matters, but does not fully understand the technological specifics of an environmental dispute, a second neutral who has the called-for training can help the negotiations. Despite their best efforts, no single neutral possesses all of the skills and knowledge needed to fairly evaluate every dispute—another neutral can compliment the first's strengths.

Some communities have created facilitator teams, public issues education moderators and mediation programs or developed other teams to help their communities deal with conflict in constructive ways.

10. The trainer should ask the group to break up into groups of three. Distribute copies of the role play. Instruct the participants to chose a character (without reading the details of their respective roles) and then learn their arts. The Jay Brown character is to serve as the neutral in this negotiation. Allow the actors enough time for the neutral to have at least begun moving the other parties toward resolution. The idea of this exercise is to apply the skills discussed on the handouts.

11. **Optional**. If the trainer believes that further practice at problem solving as a neutral is needed, the handout "The Case of Too Many Wockets" can be used as a supplement. This case study allows the participants to quickly rotate into the role of a neutral in order to gain further experience. The Discussion Guide for Conflict Coaches tells the trainer how to conduct this exercise.

12. The trainer asks each group to 'sculpt' individual(s) as neutrals. The idea is for each group to come up with a representation of what they think a neutral is through the molding of a statue. Groups should be encouraged to be as creative as possible. After each group has 'sculpted' an image of a neutral, the trainer should go around the room and have each group describe to the others what the body language of their statue demonstrates. The trainer should use this exercise to highlight the differences and similarities of each group's model of a neutral.

Turning lemons into lemonade

Unit 9
Problem Solving as a Neutral
Handouts

**The Role of Third Party Neutrals
In Local Public Disputes
Handout 1**

**Turning lemons
into lemonade**

Public Conflict Resolution

There are a variety of roles that third party neutrals can play in helping parties resolve local public disputes. Third party assistance involves the intervention of neutral and impartial persons into the dispute who provide help to individual or group negotiators. Generally, these third-party neutrals may be Extension agents, religious leaders, adult educators, counselors or others who are not directly involved in the dispute. Potential neutrals may be relatively easy to identify. Generally, they are open-minded and willing to listen to many sides. Some individuals or groups such as the Cooperative Extension Service, are restrained from taking sides in public disputes because of the definition of their professional role. Others may have personalities or professional or other interests that make it easy for them to behave as neutrals.

In order to understand how third party neutrals are involved in public disputes, it is useful to divide their role into several distinct categories. It should be recognized that in real life they may play several roles given the context of the situation.

Relationship Barriers. There may be relationship barriers that serve as major obstacles for interest-based problem solving. These barriers may be due to the presence of strong emotions; recent or past interactions between the parties; misperceptions about a party's behaviors, goals, form or content of information.

In order to overcome these barriers, the disputing parties may seek the assistance of a third party to build a relationship between the parties and to overcome psychological barriers to settlement.

Counseling and Therapy. There are a variety of counseling programs and therapies to help individuals respond to particular individual or group problems such as racism or gender issues. Counselors and therapists prepare the disputants for dialogue.

Conciliators/Conveners. For some reason, the disputants may not be willing to come together to discuss the dispute. The conciliator or convener, who is accepted by all the disputants, initiates the discussion by finding a neutral meeting place, carrying initial messages between/among the parties, setting ground rules for behavior and affirming the abilities to work on the issue together.

Team Building. The neutral team builder structures activities with the disputing parties to promote positive perceptions of each other and to encourage productive communications, build trust and encourage a positive working relationship. Activities can range from structured social gatherings or discussions with questions like "What constitutes an ideal or positive working relationship?"

Procedural Assistance With Negotiations. There are neutrals who can assist with the procedures for negotiation. These neutrals are often sought by parties in the dispute because they don't know the other potential disputants or no acceptable forum exists for negotiations or the relationships between the parties may be so strained that some procedural help is needed to break a deadlock.

Coaching Or Process Consultation. In this type of intervention, the third party is invited by one or more parties to make suggestions about how the negotiation process can be improved. The coach makes suggestions that will enhance all parties. The coaching process may involve suggestions on conciliatory gestures, improving communications, starting negotiations, identifying interests, generating options or coming to an agreement.

Training. In this intervention, the third party trains one or both parties in effective interest-based problem solving techniques and tools. These training sessions may be conducted separately with each of the parties or in joint sessions.

Facilitation. Facilitators are neutrals who work with all of the meeting participants and provide procedural directions for doing problem-solving. They can improve the flow of information exchange and provide a structured meeting that will lead to a decision being made. At their most effective, facilitators can stimulate creativity among the participants, foster shared discussion, and ensure equity within the problem-solving processes. For the most part, facilitators are used when the emotional intensity of the dispute is low to moderate. Facilitators are inappropriate for highly emotional disputes.

Public Issues Education. Public issues educators help carry out learning activities that lead to a better understanding of public issues. They attempt to improve the ways issues are addressed. They can serve as conveners, program planners, facilitators and information providers. They also can gather and interpret relevant information about issues and involve participants in actively identifying alternatives and anticipating consequences.

Mediation. Volunteer and professional mediators work best in disputes that have a high level of emotional intensity. They provide a procedure to assist parties to voluntarily reach an agreement on the dispute. Some mediators set the stage for bargaining and make minimal suggestions unless there is a deadlock. Other mediators are much more involved in forging the details of the settlement. In any case, the mediator helps the disputants move toward their own resolution of the dispute.

Data and Information Assistance With Negotiations. Some disputes are blocked by problems with data. There may be a lack of information in order for the disputants to move forward. The third party neutral collects, assesses and presents data in a manner that is useful to all the parties. These neutrals may be **scientists, technicians, technical advisory boards or data mediation panels.** It is important that all parties in the dispute accept the data and information provider as neutral and knowledgeable.

Arbitration. Arbitrators have a long history in resolving labor/management and commercial disputes. Arbitrators are chosen by the disputants because of their expertise in particular issues as well as their reputation for fairness. In an arbitration hearing, the arbitrator hears each side's arguments and counterpoints. He/She may seek additional information. Upon completion of the hearing, the arbitrator issues an opinion which may be binding or non-binding.

Identifying Third Party Neutrals To Aid In Local Public Disputes.
Neutrals may come from inside the community or be outsiders. Increasingly, third party neutrals tend to work in teams in dealing with public disputes. Some communities have created public issues facilitator teams. Some have established mediator programs while others have created public issues education programs. Neutrals can play a useful role in helping disputants deal with relationship barriers, procedural problems or supplying data and information to the disputants.

Overcoming Deadlock: Generating Movement in a Public Conflict Situation
Handout 2
Public Conflict Resolution

Public conflict can be a gridlock situation in which little movement occurs. Interest-based problem solving attempts to move people from their positions to a discussion of their real interests. However, there are times when the parties cling rigidly to their positions and the resolution of public conflict seems to be deadlocked. This paper focuses on ways to stimulate movement toward interest-based problem-solving:

1. **Use Facts**
   Facts are persuasive and can stimulate people to think and act differently. "Can we agree that the facts are...?" But recognize that there may be conflicting interpretations of the facts.

2. **Use Doubts**
   People can't know everything. Highlight ambiguities to generate options. "Is it possible that Mr. Jones did not really intend to insult your group?"

3. **Appeal to Commonly Held Standards**
   Acknowledge some basic matters on which the disputants agree. "Can we agree that drinking water in Pleasant County should not be polluted?" "Can we agree we want to find a way to settle this conflict?"

4. **Identify Priorities**
   Compel people to identify their priorities and to make choices. This allows people to relinquish their claims to less important matters.

5. **Identify Constraints On Others**
   Recognize the limitations of each party to address this dispute. Each party has political, psychological and resource constraints. "Could we agree that the City has a modest budget to correct this problem?"

6. **Trade-offs**
   People will agree to do something for someone else in exchange for that person doing something for him/her. "I will apologize for my statement if you will apologize for yours."

7. **Compromise**
   Groups and individuals will accept something less than their ideal as long as they believe they aren't relinquishing their fundamental interest. "I will give in on this minor point but I stand firm on my major concern."

8. **Integrative Solutions**
   Sometimes each can achieve his/her interest without having to give up anything. For example, senior citizens may want a quiet city street while teenagers want loud party noises on the street. "The situation can be corrected if the party is moved away from the senior citizen complex. The teenagers will be able to enjoy their party and the seniors will protect their quiet neighborhood."

9. **Stroke the Parties**
   Make people feel good about the progress they have made. "You have all worked hard on agreement of three major points! Can we move forward on the other two points?"

10. **Use Humor**
    Laughter often creates a flexible atmosphere. People become more comfortable with themselves, each other and the situation when they can laugh.

11. **Role Reversal**
    Force people to view the dilemma from the other party's perspective. "Try to consider how you would have reacted if a landfill was opening next to your home?"

12. **Peer Pressure**
    People want approval from others about their conduct. Sensitively exploit that pressure to generate flexibility. "Ms. Young, have you considered what your friends and citizens in the community will say by your refusal to address this problem?"

13. **Focus On the Future**
    The past cannot be changed. Focus on building a future relationship in light of what occurred. "How would you like your working relationship to be in the future?"

14. **Remind the Parties of the Cost of Not Coming to an Agreement*?***
    "What happens if this issue is not addressed in the next 30 days?" "Do you want to deal with the time and money it takes to settle this issue in the courts?"

15. **Be the Agent of Reality**
    Some parties will demand that others do things that are not achievable. "Mr. Olden, do you think people will really be willing to live without cars in our town?"

16. **Break the Issue Down Into Parts**
    The parties may be tackling too many problems at once. "Can we break our dispute into several parts and tackle the easiest first?"

17. **Legitimize Feelings**
    Make sure people are really heard and that their emotions, while perhaps initially obstructions to uncovering a solution, still matter.

18. **Keep Talking — Try Again**

DISCUSSION GUIDE FOR CONFLICT COACHES

Note that Millie (Milt) Moderate is to serve as a third party neutral. Interrupt the role play at three-minute intervals and ask her/him to choose her/his replacement. At the end of the role-play period, lead the group through the following questions.

Questions for role-play participants and observers:

1. What is the problem? What are the positions of the two parties?

2. What are the interests of the representative from Better Health, Inc.?

3. What are the interests of the representative from Old Town neighborhood Council?

4. What are the interests of the planner who is serving as mediator?

5. Are all of the interested parties represented at the negotiation? If not, whose interests went un-represented (or under-represented)?

6. Can the problem be re-framed in terms of interests?

7. Did the parties succeed in identifying common interests?

8. Did the parties succeed in listing potential actions that would help to satisfy the interests of both sides?

9. What solutions might have met the needs of both sides? Did the role players approach any of these solutions?

10. What, if anything, hindered the parties' working constructively toward an agreement?

11. Did you reach an impasse at any point? What, if anything, helped to break the impasse? (Alternatively, what helped the parties work constructively together?)

12. How might the mediator(s) have helped the parties to work together more effectively What additional resources might have helped the mediator(s)?

**Turning lemons
into lemonade**

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Marion (Marian) Sparks, Chair, Old Town Neighborhood Council
Your name is Marion (or Marian) Sparks. You serve proudly as chairperson of the Old Town Neighborhood Council. Yours is one of the nicest, older neighborhoods in Pleasant City. You worry that things are changing, though. Better Health, Inc. (BHI), a for-profit health care corporation, has purchased a home in Old Town with the intention of making it into a half-way house for so-called "substance abusers." You are organizing people in your neighborhood to stop the project. Only through years of hard work have you maintained the quiet, safe character of Old Town, and you aren't about to lose it to a transient bunch of drunks and drug addicts. You are also concerned for the safety of Old Town's residents, since you know that drugs and alcohol are all too often associated with violent crime. Perhaps worst of all, the drug and alcohol abusers could have a devastating influence on the neighborhood's children.

They have talked about supervision. You can't imagine how BHI could provide adequate supervision and security to protect Old Town's residents without turning the place into a prison, hardly what you and your neighbors want down the street. And let's face it, BHI is doing this for profit. It costs real money to keep constant watch over a group of dangerous men, and you strongly suspect that BHI and the agencies that contract with them don't plan to spend nearly enough to ensure that the men are always where they're supposed to be, doing only what they're supposed to be doing. Whether or not they could manage to make the place safe, this half-way house would harm the character and the property values in Old Town. BHI has bought a sadly neglected house, and you doubt that they plan to put much money into it. Since nobody will have the pride of ownership, or even live there for more than a few months at a time, you can't expect anyone to have the incentive to fix it up and keep it looking nice. For years, you've been encouraging people to make Old Town their long-term home and create the kind of neighborhood pride that results from this stability and the desire to keep making our neighborhood a better place. A half-way house in Old Town would undermine this stability and pride.

This project has to be stopped, but it seems that some powerful interests support it. (Why else would the Mayor be waffling so badly on the issue?) You have been invited by Millie (or Milt) Moderate, from the Pleasant City Planning & Zoning Dept., to meet with a representative of BHI. Millie (Milt) says that (s)he wants you involved in problem-solving before this dispute gets out-of-hand. That sounds fine, but you wonder whether the Planning Board isn't already in BHI's pocket, and whether this meeting is just to provide the Mayor with some good PR. Besides, what kind of fancy "problem-solving" do we need? The Planning Board just needs to stand up and say "no" to the permit, and make BHI find a more appropriate site for this facility.

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Frances (Francis) Warner, BHI, Program Director
Your name is Frances (or Francis) Warner. You work as the Half-Way Homes Program Director for Better Health, Inc. (BHI), a for-profit health care corporation. BHI has applied for a permit to site a half-way house for substance abusers in Old Town, one of the nicest, older neighborhoods in Pleasant City, and has obtained a house for this purpose. The new half-way house will serve male substance abusers who have completed 21 days of inpatient treatment. You anticipate that most residents would stay for about six months of supervised living and back-to-work experiences.

The house has deteriorated in recent years because the former owner had fallen on hard times. BHI plans to renovate it with new paint, shutters, roof, and much needed landscape maintenance and new plantings. You also plan to make interior improvements. You want the home to blend in with the other homes in the neighborhood. You don't want the half-way house or its residents to stand out. It is critical that the half-way house be located in a good neighborhood in order that house residents make a good transition to a healthier life-style. It will have strict supervision. As a health care provider, you see a strong need for a facility of this kind in Pleasant City. The need has been substantiated by several research studies. You have seen how lives can be turned around by the kind of program BHI intends to implement in this half-way house. Several prominent ministers in town have said that BHI should be commended for helping the less fortunate to find their way back to wholesome living. You have heard that residents of Old Town have expressed opposition to BHI's plans. You don't understand why, given the multi-family residential zoning and the obvious problems caused by substance abuse in Pleasant City. These problems must be addressed, and BHI is taking a responsible approach to meeting this community need.

You have been invited by Millie (or Milt) Moderate, from the Pleasant City Dept. of Planning & Zoning, to work with a representative of the Old Town Neighborhood Council to find a mutually acceptable way to deal with this potentially divisive conflict. You hope that the Old Town residents will be open to the facts that you will present, and be willing to accept BHI's plans without making a big stink. You also hope (with some skepticism, unfortunately), that the Planning Dept. official won't be swayed by dramatics from the citizen activists and will keep the proceedings calm and rational.

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Millie (Milt) Moderate, Planning and Zoning Official
Your name is Millie (or Milt) Moderate. You serve as an official in the Pleasant City Dept. of Planning and Zoning. Better Health, Inc. (BHI), a for-profit health care operation, has applied for a permit to site a half-way house for substance abusers in Old Town, one of the nicest, older neighborhoods in Pleasant City. Several research studies have indicated a strong need for a facility of this type in the city. BHI has obtained a house for this purpose, in an area zoned multi-family residential. There are no local codes that would prohibit such a facility in that neighborhood, and it would not require a zoning variance. Nonetheless, the Planning Board would need to issue a permit, as city ordinances specify for the building or redevelopment of any multi-family residential property.

Old Town residents have organized to oppose the half-way house, on the grounds that it will bring crime to the neighborhood, threatens public safety, and reduces property values. BHI, on the other hand, has issued public statements that the proposed facility will improve the quality of life in Pleasant City without harming the character or safety of Old Town. The Mayor, who has tried to stay neutral on the topic, says that some neighborhood people might even resort to arson or other violence if this issue is not resolved to their satisfaction. She wants you to use interest-based problem-solving to try to develop a solution that everyone can live with.

You have invited Francis (Frances) Warner, the BHI Half-Way Homes representative, and Marion (Marian) Sparks, the chairperson of the Old Town Neighborhood Council, to meet with you today to work toward a resolution. In this first 20-minute session, you will encourage the parties to develop a set of alternatives to meet their goals.

Turning lemons into lemonade

DISCUSSION GUIDES FOR CONFLICT COACHES

Divide people into groups of three. Each individual in the small group will play one of the three roles. These questions are designed to stimulate discussion among the participants. You are not expected to lecture or provide all the answers.

1. What are the positions in this case? Possible answer(s):
   - Farmers want the wockets killed to protect their crops.
   - Tourism leaders want the wockets protected.
   - The Extension Agent wants to stay neutral.

2. What are the real interests of the parties in the dispute? Possible answer(s):
   - Farmers want to have the wocket population controlled.
   - Farmers do not want to lose income because of the damage caused by the wockets.
   - Tourism leaders want to keep city image intact.
   - Tourism leaders want to keep tourist business flowing.
   - The Extension agent does not want to choose sides.

3. Are there overlapping interests? Possible answer(s):
   - Everyone (farmers and tourism leaders) wants to protect his or her income flow.
   - Both farmers and tourism leaders want to co-exist with each other.

4. How would you reframe the issue to reflect real interests? Possible answer(s):
   - How do we deal with the wockets without damaging the city's image and tourism trade and still protect farmers' income from wocket damage?

5. What are some potential solutions that might meet everyone's needs? Possible answer(s):
   - Remove some animals to other areas, especially females to cut down on reproduction.
   - Ask tourists to pay to see the wockets on farm property (as a compensation for crop loss).
   - Seek city or tourism business compensation for crop losses.
   - Purchase farmland as wocket havens in ways that allow farmers to buy similar farmland elsewhere.

6. What solution seems most feasible? (open discussion)

Turning lemons into lemonade

Public Conflict Resolution

Public Information
This information should be distributed to everyone.

The community of Wocket has recently been overrun with a rapid increase in the population of a small, fury mammal, the locals call a wocket. These animals are generally afraid of humans and keep to themselves in their natural habitat. They are harmless little mammals that have given the community its name because the town has built its reputation on being a natural habitat for the wockets. Visitors travel great distances to see the wockets.

The problem was that about five years ago, these animals were feared to be near extinction because their numbers began to decline rapidly. The state, in haste to save the local tourist industry and the animals as well, decided to add this animal to the Endangered Species List. This addition gave the species many advantages, including the fact that it became illegal to hunt or kill these animals.

What the lawmakers and biologists did not understand was that the decline in population was just a temporary natural occurrence that happens every five years to naturally control the population. Since these creatures are elusive, the scientists had not done studies long enough to determine their breeding habits and population cycles. Also, predators were removed after the wockets were listed as an endangered species. The lack of predators allowed the population to grow unchecked.

Now the numbers have grown dramatically. Tourists are flocking in record numbers to see the animals since there are so many of them around. The community has adopted a new slogan, "A wocket in my pocket" to promote this new increase in population.

The farmers near Wocket have suffered severe economic losses from this proliferation of animals. These creatures are relatively harmless in normal numbers. But these huge numbers are vastly extending the limits of the carrying capacity of the land. The farmer's crops are being overrun and destroyed.

The farmers have protested to the city council which has referred the matter to the local Extension agent. He must decide if a problem does exist and how to go about proposing corrective measures.

The agent has called a meeting between the tourism people and the farmers so they can present their opinions on the wocket issue. Based on the information presented, the agent must make a recommendation to the city council about what action, if any, to take. The agent cannot afford to alienate the farmers or the tourism leaders. He must find a way to make everyone satisfied.

Instructions for actor: Do not read this script or let others read it in the role-play situation. Try to act out the role in a way that is natural for you.

Harriet (Harold) Koch, University Extension Agent
You are the university Extension agent. You have worked in the local community for a number of years and know the involved parties. You hope this does not cloud your opinions or prevent you from being neutral.

You know how important tourism is to the local community. Your wife runs a small craft store that depends heavily on tourist dollars and the increase of wockets has stimulated more tourist dollars than anyone imagined possible.

You are a trained biologist and part of your job is to assist farmers in matters relating to production, marketing, and advice on pest control. You were concerned just like everyone else five years ago when the wocket population seemed to be in decline and you supported it being added to the endangered species list. You have done many studies on the animal since and realized that more than likely the wocket was experiencing a natural decline and was not near extinction.

You have visited many of the affected farmers and assessed the damage. There is some cause for concern. But you are not sure if drastic measures are necessary.

You have called a special meeting with a representative from the farmers' group (Bill James) and one from tourism (Suzie Patrick) so you can gain further information on the current situation to help you come to a conclusion that is best for all parties. Each of the affected parties has contacted you and asked you to side with them. Your Extension district director has informed you that you should not take sides but should try to satisfy everyone's interest. Meanwhile the city council of Wocket has informed everyone that they want a recommendation from you about how to proceed with this urgent problem. In essence, you are between "a rock and a hard place." Your way out of this jam is to use interest-based problem-solving

Instructions for Actor: Do not read this script or let others read it in the role-play situation. Try to act out the role in a way that is natural for you.

Bill (Billie) James, Local Produce Farmer
You are a local produce farmer who raises many crops, such as tomatoes and squash. The overpopulation of wockets is pushing them out of their normal habitat in the woods into the fields in search of food. They are herbivores and especially love to eat tomatoes.

You contacted the local Extension agent about how to control the animals to lessen the damage to your crops. The agent informed you that the wocket was added to the endangered species list because at one time their numbers were in decline. As such, they are protected by state law and no one can harm, kill, or move them. If you so much as harm a hair on their heads, the Wildlife

H-IX.12

Service has the power to investigate your operation and fine you and possibly shut you down.

You contacted the Wildlife Service and asked them why the animal is still on the endangered species list when they are overrunning your fields and those of your neighbors. They informed you that even if they wanted to, they could not remove the animal from protection, and that it could take up to a year to cut through the red tape to get the change approved. A YEAR! Your crops will be gone and you will be out of business in a year.

You share everyone's love for these furballs. But they are affecting your livelihood directly and you need relief now. You plan to attend the meeting called by the local Extension agent and express your opinion that something has to be done to help kill these critters and control the population and salvage your crops and those of your fellow farmers. If the agent does not help, you and your fellow farmers have to find a way out of this jam, and you will personally see to it that he/she is fired. The farmers have rights too! You and other farmers have developed a slogan, "KILL WOCKETS, NOT FARMERS." Your position is clear.

Instructions to actor: Do not read this script or let others read it in the role-play situation. Try to act out the script in a way that is natural for you.

Suzie (Sam) Patrick, head of the local Tourism Committee and originator of the "wocket in my pocket" tourism campaign

You are excited about the recent dramatic increase of tourists and especially tourist dollars that have poured into the city of Wocket because of the increase in the wocket population. The rapid population increase has caused them to be more visible to tourists. Everyone wants their photograph taken with wockets because they are so cuddly looking.

You are concerned that any measures used to control the population increase will be viewed as inhumane by the news media and will drive tourists away. But you are mainly concerned about the town's image and the tourist dollars that are now pouring in. You also care about the animals' well being. Besides, you were trained in marketing, not biology. You do not understand population dynamics of how population levels naturally fluctuate over time. You have an uncle who is a produce farmer who has told you the problems he is experiencing with his crops being overrun.

You are going to stick to your guns at this meeting and you are going to present your belief that the population increase is being overblown. You feel that tourist dollars are more important and vital to your community than farming and any effort to control the population could have an adverse affect on tourism.

You see nothing wrong with the increase in population of the wockets. They do not harm people and the added tourist's dollars have greatly enhanced the community and businesses that you

represent. You fear that control measures will present a bad image of your community and drive away tourists.

Today a meeting has been arranged by a county Extension agent to meet with you and a prominent farmer. You want the county Extension agent to side with you. You and other tourism leaders have strongly supported Extension and now it's time for them to support you and the cause of the wockets.

You have had a good relationship with farmers until now. But you are shocked by the bumper stickers sported by some local farmers, "KILL WOCKETS, NOT FARMERS." This kind of publicity is not good for tourism or the city's image. You are toying with the possibility of bringing a lawsuit against the farmers unless they stop this nonsense and begin to side with the tourism interests in Wocket.

Unit 10
Evaluating Options and Reaching Agreement
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

Criteria and techniques for evaluating options, and ways to build durable agreements will be introduced through a lecture and discussion of the handouts.

Purpose This session addresses the steps necessary to evaluate options and create agreements that are durable.

Objectives As a result, participants will:
- Understand the challenges that participants face when engaged in the decision-making step of Interest-Based Problem Solving.
- Become familiar with a common set of criteria that most people use when evaluating options.
- Learn techniques for evaluating options and large lists.
- Learn ways to package complex agreements.
- Learn the characteristics of durable agreements.

Time One Hour

Materials Needed Flip Chart and Easel
Markers
Overhead Projector

Overheads 35 a-b Decision Techniques
36 Techniques for Evaluating Options

Handouts
1. Criteria for Evaluating Options
2. Building Packages
3. Forms of Agreement
4. Gradients of Agreement
5. Durable Agreements

Directions

1. The trainer notes that the act of decision-making is the most familiar part of problem solving, what some people would call the "real" part. However, it is no more important than the process formation, problem definition, option generation or implementation stages that precede and follow it. If attention is not paid to those other stages, good work in this phase cannot alone produce a successful solution. This is also the point of the negotiation where tension may be the highest. After a period of jointly expanding options (as discussed in Unit 9), the circumstances change as you begin to narrow the choices.

2. The decision-making stage usually requires the parties to evaluate options generated earlier in the negotiation. Members of a group will often be very concerned about the fairness of the evaluation process used in this stage. Therefore, it is essential to discuss various techniques for evaluation with the group and have the group jointly decide which method they will use.

3. Although this step appears non-controversial, as the first step in the substantive decision-making process, it is often the point at which submerged or suppressed conflicts begin to emerge. It is important that groups understand that there are at least three types of decision-making criteria which may be used (Trainer distributes the handout "Criteria for Evaluating Options" at this point): 1)Technical Criteria; 2) Political Criteria; and 3) Value-based Criteria.

4. The trainer asks the participants if they have seen any or all of these criterion used in evaluating decision-making options. The trainer may provide examples of these methods from their own experience, or use the following fictitious examples of each type of decision-making criteria:

   Technical Criteria: In a conflict over the location of a public waste site in Alabama, environmentalists and geologists were employed as technical advisors to help determine whether the proposed waste sites were sound in ecological and human terms.

Political Criteria: The City Council in a Mississippi town faced opposition over its proposal to erect a Confederate Soldier Monument on the courthouse lawn. The City Council decided to hold a referendum vote to find out whether a majority of the town's residents supported the courthouse location, or whether people favored an alternate location.

Values-based Criteria: A Kentucky town had to decide whether or not to continue using public funds to support its homeless shelter. Because of deep-seated religious and community values, the public was decidedly in favor of maintaining the shelter. Despite constraints on public funding, the citizens' values pressed the town to continue its financial support of the shelter.

Having discussed these points, the trainer should mention that this is not the stage of the negotiation process at which these competing criteria must be reconciled. The most important thing at this stage is to recognize, name and acknowledge the criteria important to the parties.

Overhead 36

5. Having determined the criteria by which a group will evaluate its options, there are several techniques that the group can use to actually analyze its options. The trainer should post **Overhead 36** (Techniques for Evaluating Options) and read it aloud in order to list several techniques for evaluating options. The trainer should try to answer any questions by drawing diagrams (possibly for rank ordering, the criteria checkerboard, and the joint map), or by asking the other participants if they can explain how these techniques are employed. The trainer should ask for different techniques that the participants have seen in use. Did they work? Encourage the participants to offer critiques of the effectiveness and limits of the different techniques. Answers can be recorded on the flip chart.

6. The trainer notes that based on the previously completed evaluation, a group in conflict should begin to converge on the option that everyone can at least live with. In many cases, the group will be able to choose more than one option or combine several options into a superior solution. Therefore, it is important to understand, and often expand the view of what is possible. The handout "A Chart for Evaluating Criteria" should be distributed and explained as a tool that allows everyone involved in negotiations an opportunity to see how a particular option addresses the technical, political, and value criteria sought in a solution. Typically the neutral would draw this visual up on the flip chart and solicit explanations for how each option fits in.

Overhead 35

7. There are several techniques designed to help a group find consensus in making a decision. <u>Voting should be an absolute last resort and used if and only if all other techniques fail **and** everyone is willing to take a vote</u>. The trainer should post **Overhead 35** (Decision Techniques).

8. The trainer should mention that sometimes it is not possible to address a conflict situation with a single agreement. If a group is working on multiple problems or several parts of a complex issue, it is necessary to combine the various options into a cohesive agreement. Techniques to integrate solution components include those listed on the handout "Building Packages," which should now be given out.

9. Agreement can come in several forms, some weaker and some stronger than others. The trainer distributes the handout "Forms of Agreement" to provide definitions of the different types of agreements and their relative strength. The trainer should discuss the handout with the participants and answer any questions that he/she can regarding the types of agreements.

10. Although it is best to avoid taking a vote in order to achieve consensus, the use of a gradient of agreement exercise can help validate consensus-building negotiations. The idea of a "gradient of agreement" is to have each party in a negotiation indicate how strongly or weakly they feel about a proposed solution. Distribute the handout "Gradients of Agreement." Using the flip chart to demonstrate this exercise, draw a long line across the page (it may be necessary to draw the continuum line in two segments, as in the handout). At proportionate distances across the line write the headings that appear in bold face on the handout: Endorsement; Endorsement with a Minor Point of Contention, etc. Explain to the participants that at this point the neutral gives out sticky stars (markers can be used as well) to the stakeholding parties, who are to take their individual stars and place them along the line at the point they feel describes their level of enthusiasm for the proposal. The neutral and/or the disputing parties should agree beforehand what level of support indicates sufficient consensus to move from a proposal to action. This exercise illustrates how people embrace solutions with varying degrees of commitment; it is a map of the stakeholders' level of agreement. The relative anonymity of using dots to cast one's vote of support (or lack thereof) can protect people from intimidation or pressure to vote a certain way. It allows people to voice their displeasure with parts of a solution, while still moving the consensus-building process forward.

Optional recommendation. If any particular role-play results in uncertainty about the enthusiasm the parties have for a proposed solution, the trainer may conduct the "Gradients of Agreement" exercise on the flip chart.

11. The goal of all parties actively seeking the resolution of public conflict should be toward eaching a durable agreement. Durable agreements must satisfy three types of interests. The trainer remarks that substantive, procedural and

psychological interests must be satisfied if the parties hope to achieve a durable agreement to a dispute. Like a three-legged stool, the three types of interests form the basis of a negotiated agreement. If any one of the interest types are not fully satisfied, the agreement may very well collapse under future pressure. These interests are elaborated below (which the trainer reads aloud):

Substantive Interests: Most parties enter a negotiation to "get" something. Although their ideas about their interests may change over the course of negotiation, they need to come away with some sense of substantive satisfaction; a sense that they got what they came for.

Procedural Interests: Even if they get what they want, parties will not be satisfied if they think the procedures were not "fair." This is a subjective assessment, but a powerful one. In particular, if a party thinks the procedure was irregular, the party may distrust others and work against implementation of the agreement.

Psychological Interests: Everyone needs to feel heard and respected. Should a party feel he or she was not adequately heard during the discussions, the agreement may not prove durable. Poor relationships that develop in the negotiation will overshadow otherwise acceptable results.

12. The trainer says that there are other qualities to agreements that make them durable. The "Durable Agreements" handout is distributed and discussed.

Turning lemons into lemonade

Unit 10
Evaluating Options and Reaching Agreement
Handouts

Turning lemons into lemonade

Public Conflict Resolution

Technical Criteria: What is the best technical answer to the given problem or issue? Is the solution feasible? People trained in technical fields usually favor this kind of criteria and may misunderstand or discredit others. Technical criteria can encompass legal issues.

Political Criteria: What is the answer that will satisfy the most people? This is a very common basis for decisions, but not often stated outright. In public negotiations it may be significant and should therefore be made explicit.

Values-based Criteria: What is "right" according to my values? For technical experts, the over-riding value may be technical, but for other people, subjective preferences, equity, religious, and community values may play an important role in decisions.

Turning lemons into lemonade

Build Up/Eliminate. This is a package-building tool where all the previous small agreements are combined (built up) into a draft package and those options that do not fit are eliminated.

Single Text. This package-building tool is used to identify areas of agreement as the group works to continually expand areas where it agrees. Since each group is not promoting its own set of solutions (multiple text), the entire group is working with a single text.

Building Block. In this method, each component of a large problem is solved and then combined like building blocks into a larger solution. Components are checked for compatibility before moving on.

Agreement in Principle. This is the opposite of the Building Block Method. Rather than getting an agreement one step at a time, the goal is to reach a broad agreement in principle. Based on the larger agreement, options are developed for each of the smaller issues. This method is often used in international peace talks.

Forms of Agreement
Handout 3

Public Conflict Resolution

<u>Stronger</u>	<u>Weaker</u>
substantive	procedural
non-conditional	contingent
binding	non-binding
permanent	provisional
comprehensive	partial

Definitions

Substantive Accord: Focuses on specific, tangible exchanges that are made. "You will receive $2000 in compensation for your loss."

Procedural Accord: Defines the process to be used in making the decision. "During the next two weeks the researcher we agreed upon will gather the information; then we will meet on March 12 to examine the data and complete our settlement."

Non-conditional Accord: Defines how the dispute will be resolved without the requirement of any future conditions.

Contingent Accord: Agreement involving a conditional sequence of actions. "If you will move your activities over by 100 feet, we will waive the necessity for a special permit."

Binding Accord: Requires a party to uphold the terms of the settlement; often specify consequences for not following through.

Non-binding Accord: Agreement constitutes a set of recommendations or requests to which the parties need not adhere.

Permanent Accord: A lasting agreement that is unalterable.

Provisional Accord: A temporary agreement that may be subject to future change.

Comprehensive Accord: Agreement that covers all disputed issues.

Partial Accord: Agreement on only a portion of the issues under dispute.

Adapted from Roger Fisher and William Ury, <u>Getting to Yes.</u>

Endorsement	Endorsement with a Minor Point of Contention	Agreement with Reservations	Abstain
"I like it."	"Basically I like it."	"I can live without it."	"I have no opinion."

Stand Aside	Formal Disagreement, but Willing to Go with Majority	Formal Disagreement with Request to be Absolved of Responsibility for Implementation	Block
"I don't like this, but I don't want to hold up the group."	"I want my disagreement noted in writing, but I'll support the decision."	"I don't want to stop anyone else, but I don't want to be involved in implementing it."	"I veto this proposal."

[1]Adapted from Kaner, Sam. 1996. Facilitator's Guide to Participatory Decision-Making. New Society Publishers: Philadelphia, PA. P.212.

Durable agreements are honest, acceptable and workable.

They are **honest** when they:
- involve all parties;
- use the best available, jointly developed information;
- are founded on realistic assessments of capacity;
- are ensured by all parties' intent to implement the accord.

They are **acceptable** when they:
- resolve the source of grievance among the disputants;
- acknowledge past problems and address them;
- minimally satisfy the important interests of all parties;
- do not harm any excluded parties;
- are achieved through a process perceived as fair by all.

They are **workable** when they:
- build working relationships among the parties to carry out the accord;
- anticipate possible problems or changes in the future, and...
- have a procedure to deal with them, or acknowledge the need for re-negotiation.

Unit 11
Forming Coalitions as an Advocate
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

A lecture and role-play exercise explain the science and art of interest-based problem solving from the advocates' point of view.

Purpose

The advocate within a collaborative process often seeks to form coalitions with other parties on particular issues. The idea being that if all parties work at it, nobody has to completely lose in a public dispute.

Objectives

As a result, participants will:
- Get more practice on interest-based problem solving as an advocate.
- Reflect on what they have learned about the art and science of interest-based problem solving.

Time

30 minutes

Materials Needed

Flip Chart and Easel
Markers
Overhead Projector

Handouts

Agnes' Farm

Directions

1. Note that Chapter 8 focused on approaches to public conflict as an advocate. The most important end toward which the advocate moves is to satisfy their own interests. But satisfying one advocate's interests does not have to preclude meeting the interests of other parties. Recall that positions are what may seem entrenched and in conflict, but often interests are distinct or complimentary.

The handout "Agnes' Farm" will be used to demonstrate how an advocate can meet both their own, and others' interests through interest-based problem solving. Divide the group into threes through a count-off method and follow the instructions given to the trainer on the Discussion Guide for Conflict Coaches.

3. Once the groups have finished the Farmland Conversion Exercise Report open up discussion with the following questions:

    a. Would a neutral have made these negotiations easier or more difficult? Why?

    b. When would an advocate want a neutral involved in their negotiations? When would they not want a neutral involved?

    c. Ask the participants to provide examples from their own lives of situations where advocates tried to meet all of the involved parties' interests. Did they succeed? Why?

Turning lemons into lemonade

Unit 11
Forming Coalitions as an Advocate
Handouts

DISCUSSION GUIDES FOR CONFLICT COACHES

Please note that there isn't a neutral in this case, all parties are advocates.

You will divide the group into threes through a count-off method. Each group of three will include Agnes (Angus) McCann (farmer), J. Swan (environmentalist) and Frances Sloan (developer). Everyone in the room receives a copy of the Farmland Conversion Exercise Report.

After about 25 minutes, ask the groups of three to fill out the exercise report (five minutes). Spend time debriefing after the report is completed.

These questions are designed to stimulate discussion among the participants. You are not expected to lecture or provide all the answers.

1) What are the positions in this case?

2) What are the real interests of the parties in the dispute?

3) Are there overlapping interests?

4) What terms of agreement were reached between these three parties? Why or why not?

5) What are some potential ways to meet everyone's needs in this situation? (You might want to post these on a flip chart.)

Stakeholders	Farmer (Average payment received)	Conservationist (Average total & per acre price)	Developer (Average total & per acre price)
Option # 1	Gets $450,000 and life estate in farm house	Pays $158,000 for 65 acres (marsh, buildings, woodlot and buffer) ($2431/acre)	Pays $292,000 for 120 acres; density 1 unit per acre max. ($2433/acre)
Option # 2	Gets $500,000	Buys 25 acres of marsh from developer for $50,000 ($2,000/acre)	Pays $500,000 for farm; sells 25 acres to conservationist
Option # 3	Gets $300,000 for development rights; retains title and house	Pays $300,000 for use rights; sets up beekeeping institute; Arranges teaching stipend for farmer ($1,757/acre)	Not included in settlement

**Turning lemons
into lemonade**

Public Information
This information should be distributed to everyone.

Situation

Agnes (Angus) McCann, a widowed farmer, is about to retire and move to a smaller home in the city of Plainview. She/He wants to sell the farm, pay off existing debts, set up a trust fund for her/his grandchildren, and create a modest endowment for a Chair in Botany at the state university. To simplify and speed up things, McCann wants to sell to a single purchaser. The farm covers 189 acres, including 66 acres of river bottom cropland, 75 acres of rolling pasture, an 18-acre woodlot, 25 acres of wetlands/marsh, and a 5-acre homestead with the 120-year-old farmhouse, outbuildings, and a large garden where McCann pursues organic vegetable production and bee-keeping.

The farm lies two miles outside the county seat, Plainview (pop. 8750). The town has recently been selected as the site for a new manufacturing facility and there are substantial state government incentives involved in this decision. The new factory will be built in the county but on the other side of Plainview and will result in over 350 jobs with good pay and benefits. The Cabinet for Economic Development estimates that 1200 new people may eventually move to Plainview and the surrounding area. The factory is slated to open for production in 18 months. There is zoning in the city of Plainview but not in the county.

The farmer would like to complete the sale as soon as possible. Although she/he has no relatives living in the state, she expects to move into a small house in town, teach courses at the community college and the vocation school. When McCann began receiving Social Security checks, she/he leased the cropland and pasture to a neighbor and sold at auction all the farm equipment and livestock. She/He has only to dispose of the land and homestead to someone offering the right kind of deal.
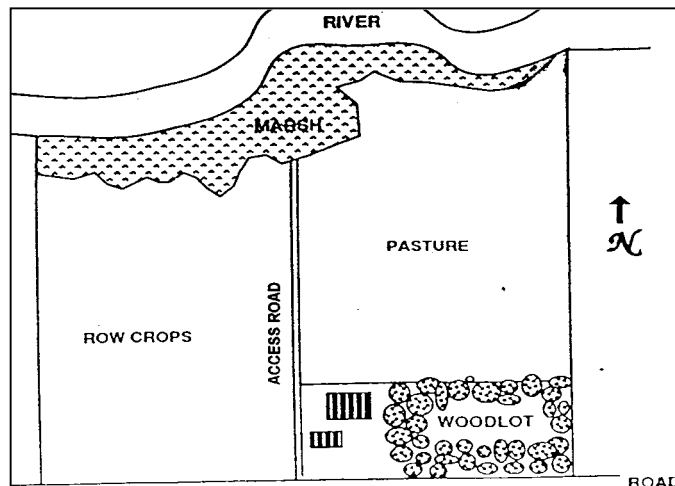
Farmer Situation Paper

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Agnes (Angus) McCann

You are a farmer approaching 65 years of age. At age 62 you quit active farming, leased the pasture and cropland, and sold all of your livestock and farm equipment. Now at age 65, you think you want to follow through with your long-held plan to leave the farm so you'll have the time and energy to teach principles of organic food production and bee-keeping at the community college and the vocational school. You know your Social Security check will provide a modest income, but you really feel that you must sell the farm so you can do some other things with your time and money. One developer has already written to you and offered $350,000 cash-on-the-barrel for the entire farm.

You recently had the farm evaluated by a certified real estate appraiser for $375,000. But you think that the farm may be worth $450,000 with the new factory coming to Plainview. You figured that with $450,000 you could pay off the $100,000 mortgage on the farm, set up three $50,000 educational trusts for your grandchildren, endow a Chair in Botany for $100,000, and use the rest to buy a house in town and invest in mutual funds.

You have also received some tentative inquiries from a local conservation group about buying the farm. Many of these folks are people you know from Plainview and the county but the leaders are out-of-state people who teach at the community college. You are somewhat inclined toward this group's views about preserving the special parts of the farm environment which some of your friends have pointed out to you in recent weeks. You were especially impressed to find herons again nesting down by the river--something you remember from years ago. But can this conservation group get organized enough to produce a viable financial offer and have real money behind it?

You were having dinner recently with a friend and mentioned how a real offer to buy your farm made you realize how sad you may feel when you finally move away, give up the big garden and bees, and not have the rural lifestyle you enjoyed for so many years. But you realize that your goal all along was to retire at 65, provide for the grandkids, and teach the younger generation what you've learned about food production and bee-keeping. The money from the farm sale will make all this possible. Today you've set up a meeting with Frances Sloan, a developer, and J. Swan, a representative of the local conservation group to discuss things.

<p style="text-align:center">Conservationist Situation Paper</p>

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

J. Swan

You are a faculty member at the community college and an officer in the local conservation group. You are also an avid organic gardener. You've been a member of the conservation group for several years but most of the members are long-time residents of the county.

The group has spent considerable time discussing the purchase of all or part of the McCann farm to preserve the wetland/marshes and create an outdoor environmental classroom for the younger generation. Considerable money has been raised over the past 2-3 years. You suspect McCann is "phasing out" of farming although you don't know any particular time table. The announcement about the new factory coming to Plainview has disturbed many members of the group and there is general opposition to seeing more rural subdivisions which may turn the McCann place into mini-estates, homes, or God forbid--apartments or trailer houses! Your group has a special concern about the marshes and wetlands on the McCann place since you know this is a critical environmental habitat and may be home to some threatened species of herons which have recently returned to this area for nesting.

Various state and local fundraising efforts over the years have produced a trust fund for your organization. The Board has voted to commit up to $100,000 towards the purchase of the McCann farm. There is also the offer of a matching grant from a national conservancy group of $100,000, giving you a total of $200,000 in working funds. One wealthy member of the conservation group has also privately told you he would pay McCann per year for 10 years if the farm can be "saved" from development. It is unlikely that you can raise any more money than this in the near future.

Several of your group's members have heard McCann is a little distressed about finally selling off the family farm and moving to town. They are concerned about providing for McCann's emotional needs, as well as just offering money for the farm.

You have been invited to a meeting with McCann and Frances Sloan, a developer who is also trying to buy the farm. This is your chance to present a plan for the farm's future to McCann and make a financial offer.

<p style="text-align:center">H-XI.5</p>

Developer Situation Paper

Instructions for role player: Do not read this script aloud, or let other role-play participants read it. Try to play the role in a way that is natural to you.

Frances Sloan

You grew up in the next county and are somewhat familiar with Plainview. You have worked the last ten years for a national firm specializing in residential and commercial development in surrounding states. This will be your first big job in your home state and you look forward to moving closer to home. One of the Board of Directors for the conglomerate which is building the new factory in Plainview also sits on the board of your development firm. Some weeks ago he suggested that your company begin looking for new housing development sites near Plainview since he expected house building to "explode" once the factory deal was publicly announced.

You quietly discovered the McCann farm. You've heard McCann is "phasing out" and may be wanting to retire. You secretly inspected the farm and know it will make a wonderful site for new, upscale homes having a view of the river. You have reported back to the member of the Board of Directors that this site lies only two miles from town but is outside the zoning jurisdiction, has no environmental hazard problems, plus the existing road could be re-routed and improved to run the northeast corner of the property where river access could make a marina site possible. The home sites will be very attractive to the middle and upper-level management types who will be coming to Plainview in 18 months. But you have got to complete the sale and get a development plan underway immediately or someone else will begin developing home sites in this area.

You have been authorized to deal directly with the current owner on behalf of your company. The Board has allocated $500,000 for the farm purchase but you have assured the Board you'll be able to buy it for much less. Failure to negotiate a deal under $500,000 will be embarrassing to you and your patron on the Board. You forwarded an offer of $350,000 via mail some time ago. You now want to discuss your preliminary development plans and financial offer with McCann.

You have learned that today you will be meeting not only with McCann, but also with J. Swan, a local conservation group representative.

Farmland Conversion Exercise Report

Participant Name(s):

Environmentalist/
Conservationist   _____

Developer   _____

Farmer   _____

Settlement achieved? ____Yes   ____No

If yes, what were the terms?

_____
_____
_____
_____
_____
_____

If no, what were the main obstacles to reaching agreement?

_____
_____
_____
_____
_____

Unit 12
Sources of Conflict
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

This unit will focus on the five causes of conflict and how to address these causes. The overheads will serve as a prop to stimulate discussion. This session attempts to combine the knowledge of the participants with the knowledge of the instructor.

Purpose

Workshop participants will learn:
- How to understand the sources of conflict techniques that are used by interest-based problem solvers to address these problems.

Objectives

As a result, participants will:
- Learn about the five causes of conflict.
- Learn how to address five types of conflict.

Time

20-30 minutes

Materials Needed

Flip Chart and Easel
Markers
Overhead Projector

Overheads

37 Five Types of Conflict
38 Causes of Data Conflicts
39 Ways to Address Data Conflicts
40 Causes of Relationship Conflicts
41 Ways to Address Relationship Conflicts
42 Causes of Value Conflicts
43 Ways to Address Value Conflicts
44 Causes of Structural Conflicts
45 Ways to Address Structural Conflicts
46 Causes of Interest Conflicts
47 Ways to Address Interest Conflicts
48 Causes of Conflict

Handouts

1. Five Types of Conflict
   Causes of Data Conflicts
   Ways to Address Data Conflicts
   Causes of Relationship Conflicts
   Ways to Address Relationship Conflicts
   Causes of Value Conflicts
   Ways to Address Value Conflicts
   Causes of Structural Conflicts
   Ways to Address Structural Conflicts
   Causes of Interest Conflicts
   Ways to Address Interest Conflicts
   Causes of Conflict

Directions

1. A Conflict Road Map. The trainer says that before one enters into interest-based problem solving and arena of conflict, it is useful to have a road map of what causes conflict. **Overhead 37** (Five Types of Conflict) is displayed. There are five major types of conflict: 1) data conflicts, 2) relationship conflicts, 3) structural conflicts, 4) value conflicts and 5) interest conflicts.

Overhead 37

Overhead 38

2. What causes data conflicts? **Overhead 38** (Causes of Data Conflicts) is used. The trainer asks participants if they have been involved in data conflicts. What happened? How was the conflict addressed?

Overhead 39

3. Data Conflict Resolution Approaches. How can data conflicts be addressed? **Overhead 39** (Ways to Address Data Conflicts) is used. Participants are asked if they used any of the data conflict resolution strategies. What worked or did not work? Why? Are there other kinds of approaches that can be used?

Overhead 40

4. What causes relationship conflicts? **Overhead 40** (Causes of Relationship Conflicts) is posted and read aloud.

Overhead 41

5. Ways to Address Relationship Conflicts. **Overhead 41** (Ways to Address Relationship Conflicts) is displayed. Participants are asked if they have used any of these approaches successfully. If so, why? Are there other ways to address relationship conflicts that should be included on this list?

6. Value Preferences. Before discussing value conflicts, the trainer should mention that Americans tend to have many similar values. However, individuals and groups have value hierarchies that are different and change over time. For example, you may value both work and leisure. But on weekends or during your lunch hour, leisure may top your list. Some individuals may judge others as "workaholics" or "lazy bums" because of their value preferences. Group and individual value preferences are not easily changed.

Overhead 42

7. What causes value conflicts? The trainer displays **Overhead 42** (Causes of Value Conflicts) and asks the participants if they have seen a recent value conflict in their community. What was it about? How was it addressed?

Overhead 43

8. Addressing Value Conflicts. **Overhead 43** (Ways to Address Value Conflicts) is displayed. The trainer asks if the participants have used any of the strategies to address value conflicts. Was the strategy effective? Why or why not? Are there other ways to address value conflicts that should be listed?

Overhead 44

9. What causes structural conflict? **Overhead 44** (Causes of Structural Conflict) is displayed. Participants are asked if they see major structural conflicts occurring in their communities. What is happening? Why? How is the conflict being addressed?

Overhead 45

10. Ways to Address Structural Conflicts. The trainer displays **Overhead 45** (Ways to Address Structural Conflicts) and asks if people have seen or heard any of these strategies being used. What was effective or not effective? Are there ways to address structural conflict that should be added to this list?

Overhead 46

11. What causes interest conflicts? The trainer mentions that interest-based problem solvers tend to focus on interests. So, they are particularly intrigued with this sphere of the conflict circle. **Overhead 46** (Causes of Interest Conflicts) is displayed.

12. Ways to Address Interest Conflicts. **Overhead 47** (Ways to Address Interest Conflicts) is displayed. The trainer mentions that interest-based problem solving will be embellished later.

13. The circle of conflict is displayed again **Overhead 48.** Interest-based problem solvers do not ignore or avoid any of these five areas of conflict. At first, the disputants may need to talk about relationships, structure and values. But eventually, the interest-based problem-solver moves toward interests or data conflicts because they are easier to solve. Note the shaded area in **Overhead 48.** Indicate that the next unit will begin to focus on interest-based problem solving and how it works.

14. Mention that the real nature of a conflict may be misinterpreted. For example, the two leaders of an environmental group in Kentucky sought outside help in resolving what they thought was a relationship conflict. Both leaders were expecting the other to carry out certain functions and responsibilities that were in fact being left undone. While they both accused the other of neglecting their jobs, upon discussion with a neutral party it became apparent that the source of the problem lay in the lack of a written description of job responsibilities for either person. Neither leader knew what they should or shouldn't be doing on behalf of the organization, making this, in origin, a structural conflict rather than a relationship conflict.

15. Optional. Choose a local issue that everyone understands. Divide the group into teams of five, one for values, interests, data, structure, and relationships. Have each group identify the conflict from their perspective and suggest solutions from their vantage point. Ask each group to come up with ways to move beyond their type of conflict to address the larger issue. Reconvene the entire group and have them report what they came up with.

Turning lemons into lemonade

Unit 12
Sources of Conflict
Handouts

Turning lemons into lemonade

A Road Map To Identifying Five Types of Conflict:
- Data Conflicts
- Relationship Conflicts
- Value Conflicts
- Structural Conflicts
- Interest Conflicts

Data Conflicts Caused By:
- Lack of information
- Misinformation
- Differing views on what's relevant
- Different interpretations of data
- Different assessment procedures

Ways To Address Data Conflicts:
- Reach agreement on what data are important
- Agree on process to collect data
- Develop common criteria to assess data
- Use third-party experts to get outside opinion or break deadlock

Relationship Conflicts Caused By:
- Strong emotions
- Misperceptions/stereotypes
- Poor communications
- Miscommunications
- Repetitive negative behavior

Ways To Address Relationship Conflicts:
- Control negative expressions through procedures and ground rules
- Promote process that legitimizes feelings
- Clarify perceptions - build positive perceptions
- Improve quality and quantity of communication
- Block negative repetitive behavior by changing structure
- Encourage positive problem-solving attitudes

Value Conflicts Caused By:
- Different criteria for evaluating ideas or behavior
- Exclusive intrinsically valuable goals
- Different ways of life, ideology and religion

Ways To Address Value Conflicts:
- Avoid defining problem in terms of values
- Allow parties to agree and disagree
- Create sphere of influence in which one set of values dominates
- Search for superordinate goal that all parties agree to

Structural Conflicts Caused By:
- Destructive patterns of behavior or interaction
- Unequal control, ownership, distribution of resources
- Unequal power and authority
- Geographical, physical or environmental factors that hinder cooperation
- Time constraints

Ways To Address Structural Conflicts:
- Clearly define and change roles
- Replace destructive behavior patterns
- Reallocate ownership or control of resources
- Establish fair and mutually acceptable decision-making process
- Change negotiations from positional to interest-based bargaining
- Modify means of parties (less coercion, more persuasion)
- Change physical and environmental relations

Interest Conflicts Caused By:
- Perceived or actual competitive positions/interests
- Content
- Procedures
- Psychological interest

Ways To Address Interest Conflicts:
- Focus on interests, not positions
- Look for objective criteria
- Look for solutions that meet needs of all parties
- Search for ways to expand options/resources
- Develop trade-offs to satisfy interests of different strengths

Causes of Conflict
- Data Conflicts
- Relationship Conflicts
- Value Conflicts
- Structural Conflicts
- Interest Conflicts

Turning lemons into lemonade

Public Conflict Resolution

How to design a collaborative process and how to use a convening document are introduced through a lecture. When to carry out this exercise is left to the discretion of the trainer.

Purpose	In order to enact interest-based problem solving it is important to understand how to design the collaborative process. The purpose of this session is to familiarize the participants with the questions and issues that establish the collaborative process.
Objectives	As a result, participants will: • Learn how to develop a process design by using a "process blueprint." • Learn how to develop a written agenda for the first meeting with a group in conflict.
Time	30 minutes
Materials Needed	Flip Chart and Easel Markers Overhead Projector
Overheads	49 Process Blueprint
Handouts	1. Typical Agenda for First Meeting 2. Process Blueprint
Directions	1. The trainer mentions that a neutral in a public conflict situation has a series of questions and issues to answer before the process of collaboration can really begin. These questions and issues lay out the structure of how the neutral will go about their role in the conflict; these questions help the neutral design a process blueprint.

Overhead 49

2. The trainer posts **Overhead 49** to discuss the crafting of a process blueprint. Read the descriptions of each issue below:

   a. **Who will the participants be** — If it is premature to name names, categories of participants are necessary because they help define the group dynamics. It is also important to know who will select the participants.

   b. **What the participants will be asked to do** — This includes role descriptions, scope, and depth.

   c. **How decisions will be made** — If you expect consensus, you must state it.

   d. **The Nature of the Final Product** — you expect an agreement, a contract, a plan, a regulation, a vision, what...?

   e. **Duration** — Timeliness, milestones, and deadlines will help define the process. They should be realistic and not so abbreviated that participants immediately move to a crisis mode.

   f. **The authority of the group** — Failure to be clear about the level of shared decision-making can doom a group to failure at the point conflict emerges. The end result of the process is strongly shaped by the authority of the group's that are attempting to collaborate.

   g. **The stage of the policy process this group is serving** — Are they framing the problem, identifying options, developing solutions, or implementing agreements?

   h. **The cost of the process** — Will staff time be used to support the process? Will a facilitator or mediator be hired (outside of state Extension offices)? What technical studies might be necessary? And who will perform needed technical studies.

i. **What are the ground rules and protocols** — The presence of these documents can provide symbolic evidence of the type of process you are using. Their detail provides an important guide to primary stakeholders. Ground rules deserve further discussion. Ground rules generally address issues such as: timing, the objectives for the day (identifying the problem, considering solutions, and making decisions), confidentiality (Will this information be shared publicly?), how information is recorded, and the rules of discussion. It is important that rules be flexible, not invariable—the actual negotiation process may reveal that certain rules don't apply to the situation after all. It is also wise on the part of those who draft the ground rules to anticipate the worst, most disruptive situations that could arise (i.e. profanity, repeated talking out of order, inflammatory language, blaming, threats, or violence).

3. The trainer asks the participants about what specific issues and questions besides those mentioned above need to be included in the layout of the process. Record these responses on the flip chart. Make it clear where their comments fit into the process if the participants raise issues that are best addressed during the actual negotiation process.

4. So that the participants have a sense for what a written agenda for the first meeting between disputing parties includes, distribute the handout "Typical Agenda for First Meeting." Point out that this type of document is produced only after the basic questions of the Process Blueprint have been addressed.

Turning lemons into lemonade

Unit 13
Building a Framework
Handouts

**Turning lemons
into lemonade**

Public Conflict Resolution

Process Blueprint

Your process is designed when you are able to describe in some detail and rationale:

Who the participants will be— If it is premature to name names, categories of participants are necessary because they help define the group dynamics. It is also important to know who will select the participants.

What the participants will be asked to do— This includes role descriptions, scope, and depth.

How decisions will be made— If you expect consensus, you must state it.

The nature of the final product— Do you expect an agreement, a contract, a plan, a regulation, a vision, what...?

Duration— Timelines, milestones, and deadlines will help define the process. They should be realistic and not so abbreviated that participants immediately move to a crisis mode.

The authority of the group— Failure to be clear about the level of shared decision-making can doom a group to failure at the point conflict emerges.

The stage of the policy process this group is serving— Are they framing the problem, identifying options, developing solutions, or implementing agreements?

The cost of the process— Will staff time be used to support the process? Will a facilitator or mediator be hired? What technical studies might be necessary?

What are the ground rules and protocols— The presence of these documents can provide symbolic evidence of the type of process you are using. Their detail will provide important guidance to primary stakeholders.

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Public Conflict Resolution

**Typical Agenda for First Meeting
Among Multi-Party Disputants**

Time
Between 9 A.M. and 5 P.M.

Place
Neutral, friendly and comfortable setting—lots of food.

Neutral Discussion Leaders:

1. Introductions

2. Positive Role of Conflict in Organizations

3. Clarification of today's goals:
    Work on problems in ways that meet the needs of Group A and Group B (and local
    government officials) and respect ideas of all participants. How do we get there?

    a) Identify the most pressing conflicts/differences in this organization that we will
        address.
    b) Identify top 2-3 concerns.
    c) For each concern, we will:
        - identify factors contributing to conflict
        - identify the key interest in the conflict (the bottom line)
        - brainstorm ways to resolve the conflict
        - pick out solution(s) that meets our key interests
        - find a way to carry out the solution(s)
        - identify ways to measure our success (i.e., written agreements)
    d) Repeat this for other top concerns

4. Clarification of Facilitator and Scribe Roles—with an emphasis on
    neutrality/confidentiality/efficiency and providing a structure to solve problems.

5. Suggested Rules for Today:
   - facilitator/scribes remain neutral
   - all ideas recorded accurately
   - only one person speaks at a time
   - we respect everyone present
   - no one dominates discussion (round-robin procedure)
   - we focus on the topic at hand
   - suggestions for other rules of discussion?

6. Setting a Tone for Organization Problem-Solving—a silent period and then a round-robin discussion, opening with the introductory question "What do you value the most about living/working/doing business with this organization?"

Problem-Solving Phase

7. What are the most significant conflicts or differences that we face today? (Procedure: First, participants will reflect silently and can write ideas on their own sheets of paper. Second, each person will be allowed to present one idea in the round-robin fashion until all of the ideas are exhausted. Each idea will be summarized on the flip chart by the scribe.)

8. After all of the ideas are recorded, participants are asked to **pick out the top three conflicts/differences that we face today within the organization.** (Procedure: Each participant will be handed three sticky dots. They will be asked to get up from their chairs and place sticky dots on those items on the flip chart they believe are the most significant. They may place all three dots on one item or distribute them on two or three items. The group will focus on those items that get the most sticky dots.

9. The first conflict or issue will be identified.

   a) Participants will be asked to **identify the factors that might contribute to this conflict/difference.** (Procedure: Round-robin brainstorming; ideas recorded on the flip chart.)

   b) Then, participants will be asked to **tell us what your interests are in the outcome,** that is, **what are your bottom-line personal or organization interests in this issue — regardless of how the conflict is solved?** (Procedure: same as 9a.)

   c) Participants will be asked to identify ways to resolve this conflict. Creativity and freedom of expression will be encouraged.

   d) Participants will be asked **which solution seems to be the best.** That is, the solution that will address the contributing factors to the problem and will meet all of our interests. (Procedure: same as 9a.)

e) Participants will be asked how the solution can be carried out. **Who? What? When? Where? Other details? How will we measure success?** (Procedure: Same as 9a. A neutral scribe will type a proposed agreement at the meeting site.)

10. Procedure in #9 will be repeated for other conflicts.

11. Did we meet the goals we set today? (Open discussion)

12. Did we abide by the rules we set today for our discussion?

13. What other conflicts or differences do we need to work on? When should we meet again?

14. Conclusion—written agreements? Follow-up meetings?

**Turning lemons
into lemonade**

Public Conflict Resolution

A lecture and discussion lays out the four basic group process designs and various techniques for public involvement in that process. A case study exercise is used to help the participants create a process blueprint.

Purpose

There are at least four ways to structure a group process for problem solving. These are discussed, as well as different techniques for getting the public involved in these processes. Citizen involvement in problem solving is of varying importance; identifying the public's role is crucial to the design of the process. This unit should be tied with Unit 13.

Objectives

As a result, participants will:
- Learn four ways that processes can be structured to accommodate the complexities of the issues and the desired level of public involvement.
- Understand the strengths and weaknesses of each structure.
- Become familiar with several types of public involvement processes.

Time

30 minutes

Materials Needed

Flip Chart and Easel
Markers
Overhead Projector

Overheads

50 The Role of Task Groups Within Committees
51 Techniques for Citizen Involvement

Handouts

1. Citizen Involvement
2. Unhappy Trails from Unit 8

Directions

1. The trainer says that the organization of consensus-building programs varies from project to project and community to community. Four basic models for structuring a process have emerged from the study of hundreds of successful programs. They may be described as the committee/task group model, the negotiating team model, the conference/task group model, and the task group and public input model. The title of the four models should be written on the flip chart. The trainer asks the participants which of the public involvement techniques they've participated in. Under what circumstances were they employed?

Overhead 50

2. Committee and Task Groups. Mention that the most commonly used model for structuring a community consensus building process is a committee combined with task groups. The committee may have anywhere from 10 to 60 members and it represents the different interest groups concerned about the problem. The committee agrees on procedures, identifies issues, gathers information, generates options, and develops recommendations or seeks agreements. The larger the committee, the greater the reliance on task groups for dealing with substantive issues. The trainer posts **Overhead 50** to mention the role of task groups within the committee structure. Have the participants list the strengths and weaknesses of the committee and task group approach. Write these strengths and weaknesses from each model on the flip chart. If they're slow to make the lists, suggest that the diversity of perspectives in committee and task groups is a potential strength. Also, well-coordinated task groups can accomplish considerably more than isolated individuals. Possible weakness include the tendency of small groups of members to dominate the discussion and option-generation. Another weakness is the enlargement of bureaucratic structures—not every problem needs to be decided on by everybody all of the time.

3. Negotiating Teams. The trainer explains that representatives in a consensus program can be organized into teams. Each team decides on its goals and interests, and functions as a unit during problem solving sessions. Negotiating teams work well when the number of teams is small — three to five is a reasonable number — and when each team has well defined and compatible interests. Team members need time between sessions to talk among themselves about constituents, to discuss their progress and seek input from other people not at the table. Have the participants list the strengths and weakness of negotiating teams. Strengths you can suggest include: negotiating teams permit a more rounded perspective than that of a single person; team members can compliment one another's skills and knowledge. Possible weaknesses are that the negotiating team itself may not be able to agree on what decisions to make, and a dominant personality can intimidate others within their team.

4. Conference and Task Groups. The trainer says this model features a large conference that convenes interested citizens around a community problem, followed by task group work and later by additional conferences. The advantage of a conference model is that it enables many more people to become involved face-to-face in a program which increases the opportunities for participation and can build momentum. Conferences are a good forum for providing information, identifying issues and concerns and gathering suggestions for alternative solutions. Conferences are not a good format for achieving consensus agreements. Generally, conferences identify issues which become the basis for organizing task groups. These task groups perform similar functions as they do for committees. The task groups report their results to a second conference, usually held six to twelve months later. The task groups are maintained as long as necessary. Have the participants list strengths and weaknesses of conference and task groups.

As mentioned, a strength of this model is that it allows many people to participate. In this feature also lies a possible weakness: progress can be slowed or stopped by the "over-democratization" of an issue. If everyone is weighing in on a public issue, the group's time may be consumed with discussion, rather than decision-making.

5. Public Input Model. The trainer says that the public input model has a small 8 to 15 member task group that identifies issues and alternatives, evaluates alternatives, and makes choices. It does so by actively seeking public input from interested persons and interest groups at every step of the process. Public input can be in the form of workshops, town meetings, or public hearings and is often focused on a specific task. Ask the participants to list the strengths and weakness of the public input model. Strengths include the fact that this model is open—it allows people in the community to voice their opinions. It's also a flexible process, encouraging public participation at every step of the way. This flexibility however, can be detrimental to the larger process if once active citizens drop out of participation, breaking the continuity of the task group's direction.

Overhead 51

6. The trainer explains that the effectiveness of these models can depend on the level of citizen involvement. When a conflict is of widespread public interest, it is important to encourage the public to participate in the definition of the problem and processes leading to its resolution. There are many different tools for involving the primary and secondary stakeholders in a consensus-building process. The trainer uses **Overhead 51** to give a quick overview of several common approaches to citizen involvement. With each technique the trainer should paraphrase the definitions given on the handout "Citizen Involvement." Ask the participants to provide methods of their own and record these on the flip chart.

XIV-4

7. **No particular approach will successfully allow you to solve every conflict; you do what works best in each situation.**

8. Return the participants to the "Unhappy Trails" handout. Beginning with the committee and task group model, and on through negotiating teams, conference and task groups, and the public input model, ask the participants to discuss how each approach would be organized in the "Unhappy Trails" example. Which structure would be most effective for reaching an interest-based agreement between the parties? Why?

Turning lemons into lemonade

Unit 14
Process Structures
Handouts

**Turning lemons
into lemonade**

Public Conflict Resolution

Citizen Involvement*

There are many different tools for involving the primary and secondary stakeholders in a consensus-building process. The following list provides a quick overview of several common approaches. Feel free to invent your own.

A. **Charrettes[1]:** A charrette is an exercise conducted by bringing together a group of stakeholders for an intense session to work through issues. Charrettes are often scheduled for an entire weekend or other lengthier periods and require participation during the entire event. There are four key ingredients to conducting a charrette:

1) A definable problem to solve or work on.
2) A group of people willing to participate in the process.
3) Experts from within and outside the affected community or group (experts from within the community are more important to include than those from outside).
4) A commitment from the power structure involved to put into effect the plans and/or recommendations of the charrette.

The basic idea is for the stakeholders and experts to sit down and spend the time and energy to lay out the dynamics of the problems and issues, and to develop a plan for action. Every stakeholder in a charrette is given a chance to offer their insights and alternatives. Although charrette's are traditionally centered around urban planning and architectural design issues, they can be used in other settings in order to spawn creative ideas about solutions to local issues. Charrettes can be conducted in a "fishbowl" to allow the greater public the opportunity to observe the work in progress. A pointed limitation to the utility of the charrette lies in the fact that it may be difficult to get key decision makers to attend charrettes because of the considerable time commitment required.

B. **Community Meetings:** Community meetings include any type of venue that brings citizens together on a particular issue. Community meetings can be used to:
  • Educate the public
  • Seek input from the public
  • Seek a reaction from the public
  • Make decisions

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[1] Adapted from Riddick, W.L. 1971. *Charrette Processes: a tool in urban planning.* York, Pennsylvania:

George Shumway Publisher.

They can be large or small. Since community meetings vary widely, it is essential to clearly communicate expectations for the meeting. Community meetings often differ from public hearings in that the communication is multi-way. They can be used to promote lateral conversations. Large community meetings are commonly broken into smaller groups in order to increase the amount of "air" time available to each person.

C. **Focus Groups:** Focus groups have been used by market research experts for decades to assess consumer reaction to particular products, services, or messages. In recent years they have been adapted for use with citizens on public issues. In a focus group, a small group of people is brought together in a confidential setting to discuss an issue with the assistance of a skilled facilitator. Conversation is encouraged between members of the focus group rather than with the facilitator. A video or audio tape is kept of the proceedings. The content of conversation is analyzed in order to assess how people frame the issues, whether any words stimulate a strong reaction, whether any possible solutions emerge, and the strength of interest in the issues or any particular outcome.

D. **Hotlines:** Hotlines are used when a large number of people may seek to offer their input on a particular subject. They are especially appropriate when the stakeholder community is geographically dispersed.

E. **Interviews:** Interviews are often used to quickly gather detailed information from diverse perspectives on a specific issue. They can be used to understand how citizens might be engaged in a public involvement process on the specific issues. Since interviews are usually limited to a small number of people, they may not be representative of the broad public. The nature of the interviewing process does not allow conversation between adversaries and may encourage people to harden their positions.

F. **Polls and Surveys:** Polls and surveys, like interviews, can be used to quickly gauge public sentiment. Done properly, they are often very expensive, but can establish areas of concern, importance of the issues to the public, and potential framings of the issue. In order to be properly developed, administered, and evaluated, polls and surveys require persons with significant expertise in their use.

G. **Public Hearings:** Public hearings are usually formal meetings with specific notice requirements where members of the public are asked to provide input or reactions to proposals. They are the most commonly used form of public involvement technique. Public hearings can be used to involve small numbers of interested citizens or in conjunction with activities that promote lateral conversations.

H. **Referenda and Ballot Initiatives:** In some parts of the country, referenda are widely used to gain the broadest possible public involvement. The results may be advisory or binding depending on the nature of the issue. In Virginia, public balloting on issues is largely restricted to public consent for changes in taxation or issuance of bonds. When binding, they represent the ultimate sharing of decision-making with the public. Referenda tend to be an expensive form of public involvement.

I. **Team Building Activities:** While most citizen involvement activities are clearly designed to focus the attention of the public on a particular substantive task, occasionally fixed membership groups will need to clarify and strengthen their relationships through focused activities. Team building exercises are generally led by a person who specializes in these events. One of the typical strategies is to move the participants from their regular environment as the first step toward restructuring and improving relationships. Outdoor challenge courses, adult retreat sites, and hikes are typical focal points. Team building activities are sometimes limited in their long-term effectiveness because participants may experience a "retreat mentality," where they are open to changing relationships while in the non-workplace environment, but return to former attitudes and relationships once back in the office.

J. **Workshops:** Specific, task-focused, hands-on meetings are often used to bring together a working group to tackle an issue. Workshops are often used when the task involves some level of physical planning — siting, design, circulation, etc. They are often very successful because they encourage participants to share their ideas on how to make a project work. They can become colossal failures when they are used to engage stakeholders to design a project they do not want built.

K. **Written Comments:** More used at the federal government level than anywhere else, requests for written comment are a familiar and precise way of getting a detailed review of complex and technical proposals. Where resources are limited, it may also be one of the least expensive forms of public involvement.

*Adapted from: Program for Community Problem Solving, Involving Citizens in Community Decision Making: A Guidebook. Washington, D.C. 1992.

Unit 15
Understanding Consensus
Instructor's Guide

Turning lemons into lemonade

Public Conflict Resolution

Through a lecture and role-play, participants will become familiar with the principles, levels, and ways to go about building consensus.

Purpose   Consensus is the decision rule that allows collaborative problem solving to work. The rule prevents the tyranny of the majority, allows building of trust and the sharing of information, especially under conditions of conflict.

Objectives   As a result, participants will:
- Learn about the principles and advantages of consensus.
- Learn about consensus through a role play about a wolf reintroduction.

Time   One and a half to two hours

Materials Needed   Flip Chart and Easel
Markers
Overhead Projector

Overheads   52 Advantages of Consensus
53 a-b Principles of Consensus

Handouts   1. Levels of Consensus
2. Consensus Building Techniques
3. Wolf Reintroduction

Directions   1. The trainer should ask the participants how they define "consensus." There are multiple meanings of consensus which the trainer should mention:
- Majority: 51 percent of the deciding group agree;
- Unanimity: everyone agrees;
- Conditional Unanimity: (the definition used by collaborative problem solvers) everyone can live with it

because it is the best alternative under the circumstances, and it attends to each party's most important interests.

2. The trainer should display **Overhead 52** to give the advantages of consensus. After reading the advantages the trainer should ask the participants if they can think of any other advantages to reaching consensus.

3. There are a number of essential principles that underlie the practice of consensus and contribute to its success. The trainer should use **Overheads 53 a-b** to list these principles.

4. There are different levels of consensus that the trainer should describe. The "Levels of Consensus" handout should be distributed and parts A, B, C and D read aloud by the trainer.

5. There are several consensus-building techniques that are presented on the handout "Consensus Building Techniques." After dispensing and reading aloud each of the eight techniques on the handout, the trainer should then distribute the "Wolf Reintroduction" role play. Split the participants into small groups and identify one person as the neutral in each group. The neutral is to get consensus by using one or more of the techniques introduced. Although the role play includes six parties, it is structured enough for the "Consensus Building Techniques" to be applied. The trainer should follow the Conflict Coaches' Guide.

6. Once most groups have reached consensus or a firm impasse, reconvene the participants and discuss the approaches used. Were any consensus building techniques more effective than others? Were any techniques inappropriate for this case? Using the flip chart to record responses, ask the participants to say what level of consensus (referring to the Levels of Consensus handout) each character reached by the end of the negotiations. The more stakeholders who display A or B levels of consensus, the more likely the proposal has of being successfully put into practice.

Turning lemons into lemonade

Unit 15
Understanding Consensus
Handouts

Levels of Consensus

Once a proposal has been made, the group must discover how each member feels about it, and then identify specific concerns in order to move forward in problem solving. At any stage in the process, group members might express four levels of response to a proposed action or decision:

A. Full support or agreement with the proposal for action or decision.

B. Agreement with most aspects of the proposal, and, despite continued concerns with some elements, willingness to go along with the proposal.

C. Significant concerns or outright disagreement with some or all elements of the proposal, but will not oppose the action or decision (often called "standing aside").

D. Continued strong disagreement with the proposal.

If all members of the group express approval at levels A, B or C, then they have reached consensus. If some members continue to disagree strongly (level D), then consensus has not been reached. The challenge to the group is to see what interest must be addressed in the proposal to move people at D to C (or higher) and from C to B (or higher) and from B to A.

In addition, it is important to find out the nature of disagreements with a proposal. It is often helpful to characterize concerns as follows:

- Minor concerns with wording or editing.

- Agreement with the main thrust of the proposal, but concerns with specific elements which, if changed, would lead to agreement.

- Major concerns: principles disagreement with the overall direction of the proposal, which if not addressed, would lead the member to block the consensus (level D).

Ask "Who can't live with...?" When discussion seems to be pointing toward a preferred solution, this question will help identify those who do not support the decision. Should individuals indicate they cannot support the decision, explore why, and then brainstorm how the decision can be altered to incorporate their interests.

Straw Vote Participants are asked to make a tentative, non-binding vote on their preference to get a quick sense of where each is leaning.

Negative Voting Participants vote out options that are completely unacceptable. This can be used to narrow a large list of potential options to a manageable size.

Synthesize or Combine It may be possible to select two leading options and combine them into an acceptable solution.

Building Packages If the group is selecting options from several different categories, the group is building a "package." In choosing to build a "package" the group is attempting to see how options from each category fit with each other so complementary choices can be made. Three "packaging" techniques are described below:

Building Block When using this "package-building" technique, agreement is sought on each identified sub issue, then combined into the final "package."

Agreement in Principle This "package-building" technique is conducted in reverse order of the building block method. Rather than getting an agreement on specific issues, the goal is to reach a broad agreement in principle. Based on the larger agreement, options are developed and selected for each of the smaller issues.

Single Text This "package-building" technique identifies areas of agreement as the group works to continually expand areas of agreement. The single text may be developed by an intervening neutral or by one of the parties. Since each group is not promoting its own set of solutions (multiple text) the entire group can work with a single text.

Turning lemons into lemonade

Confidential
You will divide the group into clusters of seven, assigning each person one of the roles. Everyone receives a copy of the Proposal and Background sheet. Instruct the Leslie Bills character (the neutral) to use whatever skills will successfully move the discussion toward some type of agreement. Allow sufficient time for the neutral to have made progress in teasing out stakeholder interests.

The following questions and issues are designed to stimulate discussion among the participants. You are not expected to provide all of the answers. Use the flip chart to keep a record of the responses.

- What types of conflict exist between the parties? You may want to refer to the Circle of Conflict from Unit 12 for help (Clearly there are data as well as value conflicts).

- What ground rules did the Leslie Bills character (neutral) find helpful and/or necessary How did you set the tone for the meeting?

- What are each parties' positions? Interests?

- What options were generated that might meet the parties' interests?

If the groups were unable to find issues on which interests could be mutually met, suggest the following possibilities:

- There could be an agreement on which data should be used for predicting the ecological impact of the reintroduction, and the creation of a multi-party commission that develops the criteria by which the impacts will be uniformly gauged. This goes to the heart of the data conflicts.

- The timeline could be pushed back in order for all of the groups to discuss the issues that remain unresolved. This might assuage fears stemming from incomplete information and collective consideration.

- There could be an agreement to use the radio monitoring technologies currently at use in other reintroduction areas. This may help address the safety and data disagreements.

- The number of wolves to be originally reintroduced could be reduced. This route reduces the ecological impact and perceived threat of the wolves, thereby allowing public perception to build more gradually.

Suggested Resources

<u>**Books**</u>

Bacow, Lawrence and Michael Wheeler. 1984. *Environmental Dispute Resolution*. New York: Plenum Publishing Co.

Bingham, Gail. 1986. *Resolving Environmental Disputes*. Washington D.C.: Conservation Foundation.

Blackburn, J. Walton and Willa Marie Bruce. 1995. *Mediating Environmental Conflicts: Theory and Practice*. Westport, Connecticut: Quorum Books.

Bolton, Robert. 1979. *People Skills*. Englewood Cliffs, NJ: Prentice Hall, Inc. Third edition.

Bush, R.A.B and J.P. Folger. 1994. *The Promise of Mediation: Responding to conflict through empowerment and recognition*. San Francisco: Jossey-Bass Inc.

Carpenter, Susan L. and W. J. D. Kennedy. 1988. *Managing Public Disputes: A Practical Guide to Handling Conflict and Reaching Agreements*. San Francisco: Jossey-Bass Inc.

_____. 1990. S*olving Problems by Consensus*. Washington D.C.: Program for Community Problem Solving.

Costantino, Cathy A. and Christina Sickles Merchant. 1996. *Designing Conflict Management Systems: A Guide to Creating Productive and Healthy Organizations*. San Francisco: Jossey-Bass Publishers.

Creighton, James L. 1992. *Involving Citizens in Community Decision Making: A Guidebook*. Washington D.C.: Program for Community Problem Solving.

Doyle, Michael and David Straus. 1982. *How to Make Meetings Work*. New York: Jove Books.

Dukes, E. Franklin. 1996. *Resolving Public Conflict: Transforming community and governance*. Manchester, England: Manchester University Press.

Fisher, Roger and William Ury. 1991. *Getting to Yes: Negotiating Agreement Without Giving In*. New York: Penguin Books.

Gray Barbara. *Collaborating: Finding Common Ground for Multiparty Problems*. San Francisco: Jossey-Bass Inc.

Herrman, Margaret S. 1987. *Mediation in a Regional Setting: Facilitating Dispute Resolution and Decision Making*. Washington D.C.: National Association of Regional Councils.

_____, ed. 1994. *Resolving Conflict: Strategies for Local Government*. Washington D.C.: International City/County Management Association.

Kaner, Sam. 1996. *Facilitator's Guide to Participatory Decision-Making*. Philadelphia: New Society Publishers.

Lake, Robert W., ed. 1987. *Resolving Locational Conflict*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers University.

Lincoln, William F, *et al.* 1986. *The Course in Collaborative Negotiations*. Tacoma, WA: National Center Associates.

Madigan, Denise, Gerald McMahon, Lawrence Susskind and Stephanie Rolley. 1990. *New Approaches for Resolving Local Public Disputes*. Washington D.C.: National Institute for Dispute Resolution.

Moore, Christopher W. 1986. *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass Inc.

Ozawa, Connie P. 1991. *Recasting Science: Consensus Procedures in Public Policy Making*. Boulder, CO: Westview Press.

Rothman, Jay. 1997. *Resolving Identity-Based Conflict in Nations, Organizations, and Communities*. San Francisco: Jossey-Bass Publishers.

Sacarto, Douglas M. 1985. *Economic Development Conflicts: Model Programs for Dispute Resolution*. Denver: National Conference of State Legislatures.

Sandole, Dennis and Hugo van der Merwe, eds. 1993. *Conflict Resolution Theory and Practice: Integration and Application*. Manchester, UK: Manchester University Press.

Susskind, Lawrence and Jeffrey Cruishank. 1987. *Breaking The Impasse: Consensual Approaches to Resolving Public Disputes*. New York: Basic Books.

Ury, William L., Jeanee M. Brett and Stephen B. Goldberg. 1989. *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict*. San Francisco: Jossey-Bass Inc.

Wondolleck, Julia M. 1988. *Public Lands Conflict and Resolution: Managing National Forest Disputes*. New York: Plenum Publishing Co.

Newsletters/Journals
Alternatives
CPR Institute for Dispute Resolution
366 Madison Avenue

New York, NY 10017-3122
(212) 949 6490

The CPR Institute for Dispute Resolution is a nonprofit initiative of global corporations, law firms and law teachers developing new uses of alternative dispute resolution (ADR) for business and public disputes. *Alternatives* is CPR's news-monthly on new uses of ADR.
On-line directory and version at: www.cpradr.org/alt_scrn.html

Consensus

131 Mount Auburn St.
Cambridge, MA 02138
(617) 492 1414

Part of Harvard Universities' Program On Negotiation. Quarterly newsletter with helpful information on theory and practice.
On-line information at: www.law.harvard.edu/Programs/PON.consensus.html

Dispute Resolution Forum
National Institute for Dispute Resolution
1901 L Street, NW
Suite 600
Washington DC 20036
(202) 466 4764

This organization publishes a free catalog that highlights new resources for the field, including books, articles, videos and conferences.

Mediation Quarterly
Jossey-Bass Inc. Publishers
350 Sansome Street, Fifth Floor
San Francisco, CA 94104
(800) 956 7739

A leading peer-reviewed journal devoted to covering the latest developments in theory and the practice of mediation.
On-line version at: www.jbp.com/jmq.html

Negotiation Journal: On the Process of Dispute Settlement
Jacob Cherian
Customer Service
Plenum Press Journals
233 Spring Street
New York, NY 10013
(212) 620 8468

This is often mentioned as the premier journal in the dispute resolution field. It is published quarterly in cooperation with the Harvard Program on Negotiation. Each issue includes cases studies, developments in the theory of dispute resolution, book reviews and educational innovations. On-line version at: www.law.harvard.edu/Programs/PON/negjnl.html

Resolve
World Wildlife Fund/The Conservation Foundation
1250 Twenty-Fourth St. NW
Washington DC 20037-1175
(800) 225 5993
A free newsletter that presents information about environmental dispute resolution theory and practice.

On-line Resources

"A Conflict Resolution Page"
www.geocities.com/Athens/8945
This page provides links, search engine access and a bibliography of conflict resolution resources.

"Conflict Analysis & Resolution Bookshelf"
osf.gmu.edu/~jwindmue/conflict.html
Provides extensive links to organizations and research dedicated to conflict and resolution.

"Conflict Net"
www.igc.org/igc/conflictnet
Links and updates on conflict resolution issues around the globe.

"The Program on Negotiation at Harvard Law School"
www.law.harvard.edu/Programs/PON
Introduction to Harvard program and links to current conflict research.

Professional Association

Society of Professionals in Dispute Resolution (SPIDR)
815 15th Street NW
Suite 530
Washington DC 2005
(202) 783 7277

SPIDR is an international professional association of third-party neutrals, academics and others involved in dispute resolution. It provides training, workshops, publications, information and referral for mediators and other interested parties. SPIDR sponsors an annual conference. The organization includes an environmental/public policy sector.
On-line information at: www.igc.apc.org/spidr/index.htm