



# Department of Defense Education Activity **REGULATION**

NUMBER 1800.01

DATE AUG 11 2011

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GENERAL COUNSEL

SUBJECT: Alternative Dispute Resolution

- References:
- (a) Director, Department of Defense Education Activity Memorandum, "Alternative Dispute Resolution Program," July 7, 2009 (hereby canceled)
  - (b) DoD Directive 5145.5, "Alternative Dispute Resolution (ADR)," April 22, 1996
  - (c) DoD Manual 8910.1, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998
  - (d) Sections 571 through 584 of title 5, United States Code

1. PURPOSE. This Regulation:

a. Cancels (Reference (a)).

b. Establishes policy in accordance with Reference (b), assigns responsibilities, and establishes a framework for encouraging the expanded use of alternative means of dispute resolution and conflict management practices as an integral part of normal business practices within the Department of Defense Education Activity (DoDEA).

2. APPLICABILITY. This Regulation applies to the Office of the Director, DoDEA; the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific, and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam), (hereafter collectively referred to as "DoDEA Area Directors"); and all DoDEA Area and District Superintendents, School Principals, Teachers, and Support Staff.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoDEA policy to:

a. Proactively and constructively manage conflict early and in ways that enhance its creative potential and minimize its costs in resources and relationships, in order to allow DoDEA to advance its mission.

b. Provide DoDEA employees with knowledge and skills that will enhance their ability to handle their own conflict constructively and to assist others in doing so.

c. Develop and use a conflict management system to prevent, identify, and manage conflicts at early stages, addressing them before they become disputes if possible, in order to foster enhanced productivity, efficiency, and engagement.

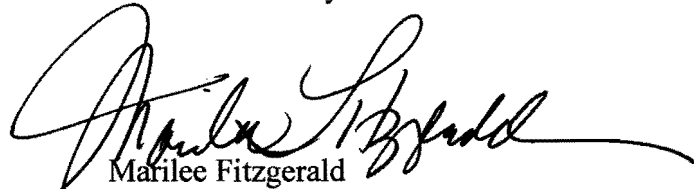
d. Use Alternative Dispute Resolution (ADR) when disputes arise, if possible, as it can lead to more creative and efficient results, often at lower costs.

e. Seek to resolve disputes at the earliest possible time and lowest possible organizational level, treating each dispute as a potential candidate for ADR.

f. Utilize ADR and conflict management processes that supplement, rather than limit, other dispute resolution techniques available by law, regulation, or contract.

5. RESPONSIBILITIES. See Enclosure.

6. EFFECTIVE DATE. This Regulation is effective immediately.



Marilee Fitzgerald  
Acting Director

Enclosure

- 1. Responsibilities
- Glossary

ENCLOSURE

RESPONSIBILITIES

1. DIRECTOR, DODEA. The Director, DoDEA, shall:

a. Ensure that the DoDEA ADR Program is established and implemented in accordance with the provisions of this Regulation and Director of Department of Defense Education Activity Memorandum (Reference (b)).

b. Ensure sufficient resources to provide at least one full-time person to be responsible for managing DoDEA's ADR program and implementing DoDEA's ADR policies as the DoDEA ADR Program Manager (PM).

c. Provide sufficient resources to fulfill the responsibilities listed in this Regulation.

2. GENERAL COUNSEL, DODEA. The General Counsel, DoDEA, shall:

a. Serve as the dispute resolution specialist for DoDEA, as defined in Reference (b).

b. Promulgate ADR policy guidance and procedures.

c. Monitor compliance with ADR policy guidance and procedures.

d. Provide oversight to ensure proper administration of the DoDEA ADR Program.

e. Designate a person to serve as the ADR PM.

3. DODEA DIRECTORS AND CHIEFS. The DoDEA Directors and Chiefs shall provide representatives and information to the DoDEA ADR PM or his or her designee, as requested.

4. DODEA SUPERVISORS. All DoDEA Supervisors shall:

a. Actively promote the use of ADR and conflict management, consistent with accomplishing their assigned missions.

b. Identify and eliminate barriers to the use of ADR and conflict management.

c. Ensure that employees are informed about ADR and conflict management concepts and skills.

5. DoDEA ADR PM. The DoDEA ADR PM shall:

a. Implement and operate programs to expand the use of ADR and conflict management as appropriate to DoDEA and in accordance with public law and DoD policy.

b. Review and revise existing ADR and conflict management practices as appropriate to promote increased awareness and use of ADR and conflict management consistent with DoD policy.

c. Identify and eliminate barriers to the use of ADR and conflict management in DoDEA, consistent with Reference (b).

d. Establish committees or working groups of stakeholders as appropriate to assist in the formulation and review of policies and procedures related to DoDEA's ADR program, and in the evaluation of that program.

e. Provide copies of DoDEA's ADR policies and implementing procedures to the Associate Director, Center for Alternative Dispute Resolution, Defense Office of Hearings and Appeals.

f. Provide representation and information to the DoD ADR Coordinating Committee (Reference (b)), and working groups, as requested.

g. Provide training to employees involved in implementing and maintaining DoDEA's ADR and conflict management policy and program.

h. Collaborate with other DoD Components and other offices within DoDEA, such as Diversity Management and Equal Opportunity, in order to use existing Government resources to avoid unnecessary expenditure of time and money in designing and implementing DoDEA's ADR and conflict management policies and practices, to the extent possible, consistent with Reference (b).

i. Establish a data collection system to monitor ADR and conflict management practices as necessary and in compliance with the information requirements in section 6 of DoD Manual 8910.1 (Reference (c)).

j. Link DoDEA's ADR Web site, when one is established, to the ADR Web sites of other DoD Components as well as to the Interagency ADR Working Group Steering Committee Web site at [www.adr.gov](http://www.adr.gov).

k. Distribute a communication to inform DoDEA employees about DoDEA's ADR and conflict management program at least two times a year.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

- ADR      Alternative Dispute Resolution
- DoDDS    Department of Defense Dependents Schools
- DoDEA    Department of Defense Education Activity
- PM        Program manager

PART II. DEFINITIONS

a. ADR. As defined in section 571 of title 5, United States Code (Reference (d)), any procedure that is used to resolve issues in controversy, including, but not limited to, conciliation, facilitation, mediation, fact finding, mini-trials, arbitration, use of ombuds, or any combination of these procedures.

b. conflict. A situation in which the parties perceive their interests, needs, or objectives as incompatible, so that one party's attempt to obtain them will be frustrated by the other party or parties. The term includes, but is not limited to, differences between DoDEA employees (regardless of the presence of a supervisory relationship) and between parents and DoDEA employees that can adversely affect DoDEA's ability to accomplish its mission.

c. conflict management. A systemic process used to proactively manage conflict to reduce the incidence of disputes and to increase the likelihood that any disputes will be resolved efficiently, effectively, and expeditiously. Techniques used in the process include, but are not limited to, structured unassisted negotiation (e.g., use of interest-based negotiation techniques), joint problem-solving, coaching, and training to develop the knowledge, skills, and abilities critical to engaging constructively in conflict.

d. dispute. A conflict that has resulted in any use of formal or informal processes to raise an issue in controversy.

e. dispute resolution specialist. The senior official designated by the Director, DoDEA, to be responsible for implementing the provisions of Reference (c), and agency policy concerning the use of ADR.

f. DoDEA Directors and Chiefs. The Director of DoDEA and all members of the Director's Cabinet, Division Chiefs, Area Directors, and Area Superintendents for Curriculum, Instruction, and Assessment.

g. DoDEA Supervisors. All DoDEA employees who are responsible for the direct supervision of one or more other DoDEA employees.