

Settling Differences:
New Approaches to Conflict Resolution in High-security Organizations

by

Norman Dolan
B.A., University of New Brunswick 1971
M.P.A., University of Victoria, 1990

A Dissertation Submitted in Partial Fulfillment
of the Requirements for the Degree of

DOCTOR OF PHILOSOPHY

in the School of Public Administration

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Supervisory Committee

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Abstract

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This study examined the application of conflict resolution programs in three high security organizations. In contrast to most civilian institutions high security organizations such as the Canadian Forces, are characterized by strong organizational cultures, with firmly embedded behavioural repertoires designed to manage complex, tightly coupled, functions in situations of imminent danger. Conflict resolution as practiced by the Alternate Dispute Resolution (ADR) program in the Department of National Defence and the Canadian Forces (DND/CF) has proven successful in many civilian settings, however no significant literature examines its effectiveness in a military environment. To determine how institutionalizing this function in non-military cultures affected their operations, this study compared those results with the introduction of conflict resolution in the Office of the Veterans Ombudsman, and the Office of the Correctional Investigator.

The DND/CF conflict management program demonstrated that parties were highly satisfied with the overall outcome of mediation, its fairness and the amount of control they exercised over the outcome. The DGADR conflict management program demonstrated successful outcomes, were clearly accepted and strongly endorsed by participants, and is likely to engender ongoing support for organizational mandate and objectives. Both the Office of the Correctional Investigator and the Office of the Veterans Ombudsman continue to realize acceptance of many of their recommendations, have established a history of successfully resolved investigations and have developed the strategic priorities that guide their current operations.

All three case study organizations encountered normative embeddedness, which tended to resist efforts to introduce new information and adjust behavioural repertoires. Resistance to change and the forces of institutionalization appeared with challenges to the legitimacy and credibility of these new approaches. Leaders in all three case study settings had to remain vigilant in protecting their mandate against erosion or constraint, and in the absence of legitimacy clearly defined by statutory authority they had to rely on the active support of senior leaders. The data generated by this study also identified limitations related to the impact of mediation outcomes and skills training on participants' future behaviour, as well as the application of organizational justice beyond the conflict management program to investigations conducted in ombudsman settings.

The results of this study indicate that it is possible to integrate conflict resolution into high security organizations, and that organizational justice constructs can accurately describe and serve as the basis for measuring the intervention process and related outcomes. Developing the required framework and conducting the corresponding summative evaluation would provide substantial insight into the application of conflict resolution in high security organizations and would in turn greatly assist the application in these and other potential settings. This research approach has the potential to serve as a model in a broader range of settings such as provincial and organizational ombudsman offices, police and fire departments and emergency health organizations.

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List of Abbreviations

Acronym	Term
ADM	Assistant Deputy Minister
ADM HR Civ	Assistant Deputy Minister Human Resources Civilian
ADR	Alternative Dispute Resolution
CANFORGEN	Canadian Forces General Orders
CCRA	Corrections and Conditional Release Act
CMP	Conflict Management Program
CoC	Chain of Command
CSC	Correctional Services Canada
DAOD	Defence Administrative Orders and Directives
DGADR	Director General Alternate Dispute Resolution
DGADR HQ	Director General Alternate Dispute Resolution Headquarters
DGMPPRA	Director General Military Personnel Research Administration
DND/CF	Department of National Defence and Canadian Forces
DR	Dispute Resolution
DRC	Dispute Resolution Centre
EDCM	Executive Director Conflict Management
EEOC	Equal Employment Opportunity Commission
EX	Executive
FTE	Full Time Equivalent
HMCS	Her Majesty's Canadian Ship
ICMS	Informal Conflict Management System
NCM	Non Commissioned Member
OCI	Office of the Correctional Investigator
OJ	Organizational Justice
Ops	Operations
OVO	Office of the Veterans Ombudsman
PA	Policy and Administration
PSLRA	Public Service Labour Relations Act
QR&O	Queen's Regulations and Orders
RM	Regional Manager
SSRB	Social Science Research Review Board
VAC	Veterans Affairs Canada

Acknowledgments

A project of this nature could not be done without the able and willing assistance of others. I would like to acknowledge the expert and thoughtful guidance and support provided by my dissertation committee. In particular I would like to thank Dr. Evert Lindquist for encouraging me to pursue this dream and patiently working with me through all the phases of planning, carrying out the research and writing the thesis. Dr. James McDavid encouraged me to consider exploring the quantitative aspects of this subject and his able assistance enabled me to envision how I could integrate that with the qualitative interviews. Dr. Michael Prince's enthusiastic support for my work was always reassuring and his perspective helped me to appreciate the impact of military experience on families. As external examiner Dr. Debra Gilin Oore's thorough review clarified many aspects of the analysis and sharpened the focus of the conclusions.

I would like to acknowledge as well Brigadier General (Ret'd.) Chris Ford who in his position of Director General Alternate Dispute Resolution invested the time exploring the possibility for this study and was willing to sponsor the project. Tim Denison worked closely with me in building the survey instruments, and he and Denise Moore provided excellent coordination and shared their knowledge as Practitioners and Analysts in the Conflict Management Program. The Defence Scientists and members of the Social Sciences Research Review Board diligently reviewed the research proposal and consulted regularly with me to ensure the project received Departmental approval. I am grateful to the Practitioners, Regional Managers, Dispute Resolution Centre Coordinators and members of the Canadian Forces who offered candid responses to my questions, shared their perspectives and experience and made numerous helpful suggestions. I am grateful as well to Guy Parent the Veterans Ombudsman and Howard Sapers the Correctional Investigator of Canada who willingly agreed to participate in the research and provided me with ready access to interview key staff members. This study would not have been possible without their support and they were invaluable in helping me understand the subjects we were exploring.

I would like to thank Dr. E. Patrick McDermott and Dr. Tina Nabatchi for sharing their knowledge and experience in measuring mediator behaviours and organizational justice respectively. My fellow PhD students shared this journey, and Mark Jarvis especially offered many insightful comments and highly valued collegial support along the way. Caroline Green provided able assistance with transcribing managing and compiling documents, and Vivian Smith gave much needed timely and expert editorial guidance. Angela Matheson was an enthusiastic and proficient consultant on all aspects of the statistical analysis.

I am deeply grateful to Susan Middlemiss for her unwavering support for me from the beginning of my PhD studies and for graciously accommodating the demands this project has made on our lives. I wish to acknowledge as well the warmth and heartfelt encouragement offered by my brothers, sisters, sons and daughter and their families. Finally, I would like to dedicate this dissertation to my parents John and Rita Dolan who instilled in me the love of knowledge and the value of perseverance. Although they did not live to see its culmination, they were my ongoing inspiration.

Chapter One

Introduction

Conflict in the Workplace

Workplace conflict appears in a variety of ways: between a supervisor and their subordinate dealing with assignments and expectations, in communication between members of the same unit, when clients trying to get access to benefits or services to which they are entitled encounter obstacles or when inmates in federal prisons are unfairly denied their basic human rights. Many civil organizations have successfully applied conflict resolution programs but military and other high-security settings do not have the same level of experience. The Conflict Management Program in the Department of National Defence and Canadian Forces (DND/CF), Office of the Correctional Investigator (OCI), and Office of the Veterans Ombudsman (OVO) have incorporated unique approaches to conflict resolution. The study will examine its application in these settings to determine whether it can successfully transfer into high security organizations.

The way in which conflict appears will vary according to the particular circumstances in the environment, and the four brief examples below provide a sketch of the possibilities. To protect privacy and confidentiality, the examples will not identify specific individuals or locations, but the circumstances reflect situations that did occur in each setting.

1. A Major in the CF with three years of experience in his position strongly disagreed with a performance evaluation he received from his commanding officer, a new Lieutenant Colonel. The Major's attempts to discuss the evaluation were unsuccessful. He felt he had no other choice but to file a formal grievance. After learning about the Conflict Management Program on the base, he met first with the mediator and then with his commanding officer who agreed to participate in mediation. The Major was able to present the information he had wanted about the errors and omissions that appeared in the evaluation. They discussed the information and the possible options to address the Major's grievances. The commanding officer

- agreed to review the evaluation taking into account the new information. Satisfied with both the outcome and the process, the Major agreed to withdraw the grievance.
2. A Master Corporal had recently been deployed with his Mission Support Unit. He learned during his scheduled telephone call of the disaster that had just occurred at his home and of his spouse's anxiety and anger about feeling left alone to deal with it. He used the communication skills he had learned in the pre-deployment conflict resolution training to recognize and acknowledge his spouse's reaction, re-establish trust, and confidence, and prepare a plan for dealing with the situation. At the end of the call they had a plan and were confident they could handle it together. The Master Corporal was able to devote his attention to his task assignment, confident about the safety and security of his spouse back home.
 3. A veteran contacted the Office of the Veterans Ombudsman because he was feeling unsure about the career path Veterans Affairs Canada had selected for him and was worried that the Department was on the verge of closing out his Vocational Rehabilitation Plan. This Veteran had served as an air traffic controller and a trucker in the Canadian Forces. The Department's vocational service provider had sent the Veteran to a custom-broker training program, but he did not feel this was a suitable gainful employment career path for him. The Veteran claimed that all that was required to become a custom-broker was some studying and successful completion of a written exam at a cost of \$500. The Veterans Ombudsman office contacted the Department to address the Veteran's concerns and through discussion, the Department agreed to keep the Veteran's Vocational Rehabilitation Plan open so that other, more suitable occupational goals could be explored. (Veterans Ombudsman <http://www.ombudsman-veterans.gc.ca/eng/about-us/success-stories - ss01>)
 4. The inmates in the cellblock felt the correctional officers were being unnecessarily harsh in their treatment of inmates. Tension on the block had been rising for some time. While observing an interaction, one inmate raised their concerns and made his opinions known to the officers, but with no apparent effect. Later that day,

correctional officers escorted the inmate to the segregation cell. He felt targeted and blamed for the tension. Despite filing a complaint with the Correctional Service Canada complaint process he was not satisfied he knew why he had been segregated, how long he would be held there, or what he needed to do in order to be transferred out of segregation. The inmate filed a complaint with the OCI and met with the OCI staff member. The complaint was brought forward to the warden's office, where they reviewed the terms of segregation and made a plan for the inmate's transfer out of segregation.

The timely application of conflict resolution skills can effectively resolve conflict, reduce tension and related stress, increase levels of work-place satisfaction, enhance positive participation and interaction, and reduce the costs of unresolved conflict (Coates, Summer 2006). These issues are important considerations for:

- Maintaining effective operations and protecting the security and safety of DND/CF personnel;
- Ensuring that people who have earned entitlement to benefits and support are able to gain effective access to them; and
- Protecting human rights in federal institutions where people are held in custody.

Conflict resolution skills are integral components of sound leadership practice and their introduction into an organization depends on that leadership. This study will examine how such practices and skills were introduced into three high-security organizations in Canada with strong organizational cultures, and what can be learned from the experience.

Conflict Resolution and Strong Cultures: Three Examples

The concept of complaint resolution and external oversight of government institutions goes back to Sweden in the early 19th century with the introduction of the first identified ombudsman office. It was not until the mid-20th century when the concept gained increasing acceptance as Denmark and New Zealand established civil ombudsman offices and Norway in 1952 installed their military ombudsman (Cheng, May, 1968). Although Canada studied the concept in parliamentary committee, (Love, 1977) it did not accept it at the federal level. Provinces however, did adopt the concept installing it in nine of the

ten jurisdictions. Several federal departments and agencies have also incorporated versions of oversight and complaint resolution functions. This study will examine relatively recent applications in the three high-control settings.

Conflict resolution is an emerging field in which new approaches offer potential beneficial application for individuals and organizations. Introducing novel ways of resolving conflict necessarily involves some level of response and adaptation to the unique characteristics of the selected settings. This study will explore the dynamics of conflict resolution as an impetus for change in high-security settings. We begin with three issues confronting high-control organizations in Canada that led to the adoption of new conflict resolution mechanisms.

*DND/CF, the Somalia Inquiry, and the Directorate
For Alternative Dispute Resolution (DGADR)*

During the 1993 deployment of Canadian Forces troops to Somalia, soldiers from the Canadian Airborne Regiment captured and tortured a combatant who subsequently died in detention (Commission of Inquiry, 1997; Winslow, 1997). Because of those and other events at the time, a series of assessments and reviews including a commission of inquiry examined the condition and functioning of the Canadian Forces. The Commission of Inquiry report and several others (*Commission of Inquiry*, 1997; Doshen, 1995; Doshen, 1996) made a series of recommendations to rectify a number of systemic problems within Canada's armed forces in areas of leadership, accountability, discipline, morale, and the administration of military justice.

The recommendations from the 1997 Commission of Inquiry report combined with other critical reviews and studies in this area led to the development of a number of policy actions. The grievance process was revised, separate oversight bodies to examine the work of the Military Police and the Canadian Forces were developed, and alternative dispute resolution was introduced as a means of identifying and responding to emerging workplace-based conflict (Department of National Defence and Canadian Forces, 1997). In June 1998 the Department of National Defence and Canadian Forces (DND/CF)

Ombudsman was established in response to the recommendations. The Ombudsman, on the Minister's behalf, would:

- Act as a neutral and objective sounding board, mediator, investigator and reporter on matters related to the DND and CF;
- Act as a direct source of information, referral and education to assist individuals in accessing existing channels of assistance and redress within the DND and CF; and
- Serve to contribute to substantial and long-lasting improvements in the welfare of employees and members of the DND and CF community.

(Department of National Defence, 1999; Department of National Defence and Canadian Forces, 1997)

A later policy action began in 2001 as a pilot project providing voluntary Alternative Dispute Resolution (ADR) services to a number of selected Canadian Forces (CF) installations. The project later expanded into a Directorate of ADR that provides a complete range of complaint management programs available to both the civilian and military components of DND/CF. The National Defence Conflict Management Program (CMP) is a free, voluntary service intended to assist with the identification and resolution of workplace conflict. Envisioning a work environment in which the organization and its people manage conflict through respectful dialogue, cooperation, and mutual understanding, the CMP's mission is to build conflict management capacity within the CF and the DND to strengthen operational effectiveness. (DND/ADR 2008)

*The Kingston Penitentiary Riots, Correctional Services Canada,
And the Office of the Correctional Investigator*

Many years earlier, and in a different environment, the 1971 riot at the Kingston Penitentiary resulted in the deaths and injury of some inmates and correctional officers as well as massive damage to physical facilities. Following the riot, correctional staff members and inmates moved from Kingston to Millhaven, a newly constructed but not operational institution. In the course of that move, the guards arranged themselves in formation and proceeded to beat the inmates as they arrived at Millhaven.

Following these events, the federal government established the Schwackhammer Commission of Inquiry to examine the causes of the riot and make recommendations for the way forward. The Office of the Correctional Investigator (OCI) opened in 1973 in response to one of the Commission's recommendations. Established as an ongoing commission of inquiry, the OCI had responsibility for providing ombudsman services to inmates of federal prisons and maintaining external oversight of the correctional system.

The OCI continued to carry out its functions under those terms of reference until the introduction of the Corrections and Conditional Release Act in 1992. The Act established it as an independent public service office reporting through the Solicitor General at the time, and now Minister of Public Safety, to Parliament. The OCI holds statutory authority to ensure the federal correctional system remains safe, fair, and humane and to conduct investigations into complaints arising from inmates in federal prisons, make recommendations and report publicly on the outcomes.

*Veterans Affairs Canada, Veterans Bill of Rights, and
The Office of the Veterans Ombudsman*

The Office of the Veterans Ombudsman (OVO) was formed in response to specific policy decisions, as was the case with DGADR and the OCI, but, unlike those cases, the OVO represented the focus of the decision. The event in this case was the promulgation of the New Veterans Charter on April 1, 2006 that established a new benefit plan for injured, disabled and deceased veterans and members of the Canadian Forces. The subsequent Veterans Bill of Rights identified clients of Veterans Affairs Canada (VAC) and provided for their right to fair treatment and the right to make a complaint about that treatment.

The Order in Council P.C. 2007-530 – April 3, 2007 provided authority to the Veterans Ombudsman to review and address complaints by clients of VAC arising from the rights that had been established in the Veterans Bill of Rights. The Order in Council appointment giving rise to the Veterans Ombudsman is similar to other ombudsman

offices in the federal government. The purpose is to ensure fairness in the treatment of veterans as well as fairness in administering access to and managing benefit programs.

The first Veterans Ombudsman served for a three-year term. During his term the Ombudsman brought to public attention a series of significant concerns regarding the treatment that veterans were receiving from VAC. The assertive representation of those concerns resulted in a substantial degree of tension between the Ombudsman and VAC that led eventually to a review of the terms and conditions of appointment for the Ombudsman. The first Ombudsman was not reappointed at the end of his term and the new Veterans Ombudsman took office on November 1, 2010.

This review of the case study organizations indicates that all three emerged out of significant levels of organizational tension. Two were externally imposed to address critical conflicts and the third resulted from major internal policy and program changes. Although they had different mandates, they introduced new ways of dealing with conflict that included different behavioural repertoires, attitudes and values to their high security host organizations. Typified by strong cultures the host might not be receptive to new repertoires that could challenge their command and control outlook, the potential for which warrants further attention.

High-security Organizations and Managing Conflict

The DND/CF, the OVO and Veterans Affairs Canada, and the OCI and Correctional Services Canada are each part of a group referred to as High Security Organizations (HSOs). Other examples might include police forces, fire protection, and emergency health services. HSOs are command-and-control institutions. They rely on loyalty, have capacity to coerce members, tend to operate in complex environments subject to high variability and seek to maintain a high level of reliability. The combination of environment and function lead HSOs to develop structures that enhance consistent patterns of response and mitigate their exposure to risk. Managing risk and pursuing consistency tend to lead HSOs to define tasks and prescribe procedures that produce an operational environment associated with a particular organizational culture (Davis, 2008).

Organizational environment, function, structure and culture have been addressed in the organizational literature in which roles were specifically defined within a hierarchy and staff members were obligated to meet predetermined standards (Wilson, 1989). The development of roles, hierarchy, and standards is associated in the case of the Canadian military with a non-adaptive culture that is resistant to change (English, 2004). Those characteristics apply to both the DND/CF and CSC organizations, and indirectly to VAC since its clients are veterans of the CF (Davis, 2008).

Examining the role of power and authority in complex organizations (Etzioni, 1961) provides another perspective on operational environments and organizational culture. Etzioni differentiates between normative, coercive and remunerative power based on the means used to elicit compliance from workers. Normative power relies on the leader's application of symbolic rewards and deprivations and coercive power relies on the presence or threat of sanctions. Prison inmates are there as a direct result of the state application of coercive power to constrain their freedom and liberty. The military on the other hand has access to the authority inherent in the Code of Service Discipline and is able to apply coercive power over its members in specific situations. (Coates, 2008a; Department of National Defence and Canadian Forces, 1985; Horn, 2008). However, military organizations in managing general and routine operations tend to rely primarily on the use of normative power to develop strong belief systems that define something larger than the individual member and provide guidelines that create sources of meaning and identification (English, 2004; Scott & Davis, 2007; Winslow, 2004; Winslow, 2000).

Looking at HSOs from a systemic perspective provides an opportunity to examine not only how they operate but also how they might compare to other types of organizations. In describing complex organizations, Perrow (Perrow, 1984; Perrow, 1986) presents organizations as a tool or a means of enacting the bureaucratic theory of formal structure created for a specific purpose. The presence of bounded rationality (Cyert & March, 1983; March & Simon, 1958; Scott, 2003a; H. A. Simon, 1946a; H. A. Simon, 1946b) and group interests limit the extent of rational performance.

Exploring how HSO deal with accidents or unanticipated outcomes in complex environments led Perrow (1984) to apply the concepts of mechanical coupling and system interaction resulting in the development of the type of four-quadrant chart that appears in Figure 1 depicting the variety of combinations can arise. Within the model, systems are composed of levels of interacting parts that indicate the extent to which parts of the system directly affect each other. The level of coupling indicates the extent to which one part connects to another such that a change in one affects the whole operation. Loosely coupled systems exhibit slack and tolerance for deviation while tightly coupled systems have little slack and the sequence has no tolerance for variation. Due to a limited capacity for recovery from unexpected outcomes, systems of high interaction and tight coupling need buffers and redundancies. Organizations are arranged according to an assessment of their internal systems along variables of interaction and coupling. Their resulting position on the grid indicates tolerance for errors and capacity to recover from errors or accidents.

Figure 1: Interaction/Coupling Chart

		Interactions	
		<i>Linear</i>	<i>Complex</i>
Coupling	<i>Tight</i>	Dams and Power Grids	Military Organizations and Prisons
	<i>Loose</i>	Manufacturing	ADR Programs and Ombudsman Offices

Their relative position on the chart indicates that although they all work in complex interactive environments, military organizations and prisons represent tightly coupled systems. ADR programs and ombudsman offices are more loosely coupled operations even when they exist within or are closely tied to their counterparts.

A focus on reliability in HSOs provides a means of understanding how organizations operating in complex environments respond to changing environmental conditions. In a study of high reliability systems such as the operation of the California power grid, Roe et al. (Roe, Schulman, van Eeten, & de Bruijne, 2005) present two views of reliability. The traditional approach to reliability is to concentrate on the specification and control of inputs in order to develop and maintain high levels of control over the outputs as in the case of nuclear power plants. An alternative approach to reliability is to focus on increasing the operational capacity to react and respond to unexpected events or high levels of variability. Increased response capacity will lead to enhanced organizational resilience thereby providing a buffer from unexpected events and a capacity to manage environmental variance.

The authors observed that operators and managers in these types of high reliability systems eschewed the traditional focus on input control and causal modeling or lessons learned approach, concentrating instead on the capacity to recognize signature events and to develop the capacity to generate fast solutions onto emerging problems. The combination of loosely coupled systems operating in complex interactive environments would tend to favour higher levels of reaction/response in organizations like ADR and ombudsman offices than might be expected in military and prison operations in similarly complex but tightly coupled environments.

Although they share common characteristics in terms of levels of interaction and coupling that differentiate them from the larger organizational context in which they operate, ADR and ombudsman offices differ significantly in their relationship to power. Classical ombudsmen derive their authority and hence their power from the legislature in their particular jurisdiction. Power in this sense is being able to compel people to provide access to the facilities they are responsible for, produce documents and information at the ombudsman's request, and to speak despite their reluctance to do so. Management and control over resources such as money, offices and equipment and the time and expertise of trained people demonstrates power.

Since ombudsmen possess power vested in them by the state, they in turn represent symbols of the state's power. (Britt & Bliese, 2003; Feldman & March, 1981; Rowe, 1995) Their function is to redress the balance of power between the individual and the state and to ensure fairness in its administration. In order to carry out that function they need to enlist the cooperation of the state's bureaucracy in the exercise. To the extent that they convey through the adoption of a similar structure, the articulation of common purpose and the demonstration of similar procedures that there is a mutual interest in producing a resolution to a complaint, they will enhance the likelihood of cooperative behaviour (Ostrom, Summer 2000).

The ADR program that is the focus of this study is embedded in a larger organizational context and operates primarily by virtue of an administrative delegation. Its focus is not on redressing the balance of power between the citizen and the state or the citizen and the organization, but rather, on effecting resolution of a complaint arising between two or more individual actors. The ADR program requires and does have the administrative authority to carry out its functions but does not carry the symbolic representation inherent in a legislated mandate.

In both cases, though, they develop a structure with characteristics that resemble the bureaucracy they oversee and the organization in which they operate. The structure is a result of the function they perform as well as the environment in which that function is carried out (Gulick, 1937; Mintzberg, 1980; Selznick, 1948; Thompson, 1967a).

All three organizations arose because of a specific set of either internal or external circumstances that had major implications for them and their respective environments. Although they operate in different jurisdictions they share a common set of themes, including close working relationship with organizations strongly influenced by the command and control culture of high-security organizations and direct involvement in services dedicated to resolving internal conflict. All three introduced new means of addressing tension and conflict that at first may represent a challenge or discomfort in a high security culture but nevertheless had a significant impact on organizational change.

Although the three case study organizations share a number of situational characteristics, and all three engage in a form of alternative/informal dispute resolution, the type of intervention differs in some significant respects. The DGADR conflict management program employs voluntary interest-based mediation in response to individuals requesting the service. OVO and OCI on the other hand investigate complaints arising from constituents. Both types of intervention seek to determine the salient issues and employ dispute resolution skills in determining possible outcomes and solutions. Mediation tends to be an open-ended process with the onus on parties to present their issues, listen to the other and generate a mutually acceptable agreement. Investigation tends to be a more structured intervention in which the investigator, along with other relevant parties, attempts to determine the extent to which a decision was reasonable. Although both have the capacity to resolve disputes, the parties own the mediation and its outcome while the organization manages the investigation.

In contrast to most civilian institutions, high-security organizations such as the Canadian Forces have strong organizational cultures in which members are trained and qualified to exert and deal with lethal force in the context of firmly embedded behavioural repertoires designed to manage complex functions in situations of imminent danger (English, 2004; Horn, 2008; Perrow, 1984). Such organizations tend to be tightly coupled systems that operate within highly prescribed rules, methods, and constraints and consequently have a low tolerance for ambiguity and error. (Frederickson & La Porte, 2002; Heimann, 1995; Perrow, 1986; Roe et al., 2005) Organizational systems displaying a high level of interaction and tight coupling also have a limited capacity for recovery from error need buffers and redundancies to mitigate unacceptable levels of risk exposure. The presence of unresolved conflict in these organizations represents a risk because of its potential to increase exposure to either the failure to correctly identify a hazard or misinterpreting an opportunity as a threat. Increasing the capacity to identify conflict and effectively intervene to resolve it and potentially reduce the likelihood of its recurrence acts as a buffer to reduce the risk of error.

Conflict resolution procedures typically involve identifying the dispute and engaging in dialogue with the intention of solving the problem thereby reducing levels of unresolved conflict and improving the work environment. Organizational justice and member engagement programs represent two approaches to addressing workplace tension and conflict. They identify variables inherent in the content of the conflict, the process of intervention, and those associated with the intervener as well as the participants. In general, organizational justice and employee engagement research indicates that employees and members of military organizations who believe they are treated fairly will be favourably disposed toward and engage in pro-social behaviours on behalf of the organization. (G. Alarcon, Lyons, & Tartaglia, 2010; G. & L. Alarcon Joseph.B., In Press 2011; Allen & Coates, 2009; Holden, 2010; Nabatchi, Bingham, & Good, 2007; Wang, 2010) The 6 Factor Model of Organizational Justice based on the constructs of Distributive, Procedural–Process, Procedural-Mediator, Informational, Interpersonal Disputant-Disputant, and Interpersonal Disputant–Mediator represents an elicitive approach to conflict resolution incorporating negotiation among voluntary parties.

Intervention to identify and resolve conflict within an organization entails some level of change, and the nature of interventions and the likelihood of success depend a lot on the scale of the problem and change required. The change can: (1) take place on an individual basis limited to the participants, (2) be more widely considered as in the case of systemic investigations intended to address organization level errors, or (3) involve major policy interventions intended to change organizational culture. Institutional theory is concerned with similarity and stability of organizations within fields and the related dynamic of response to change as characterized by the contrast between radical or large scale, and convergent or incremental change (Greenwood & Hinings, 1996).

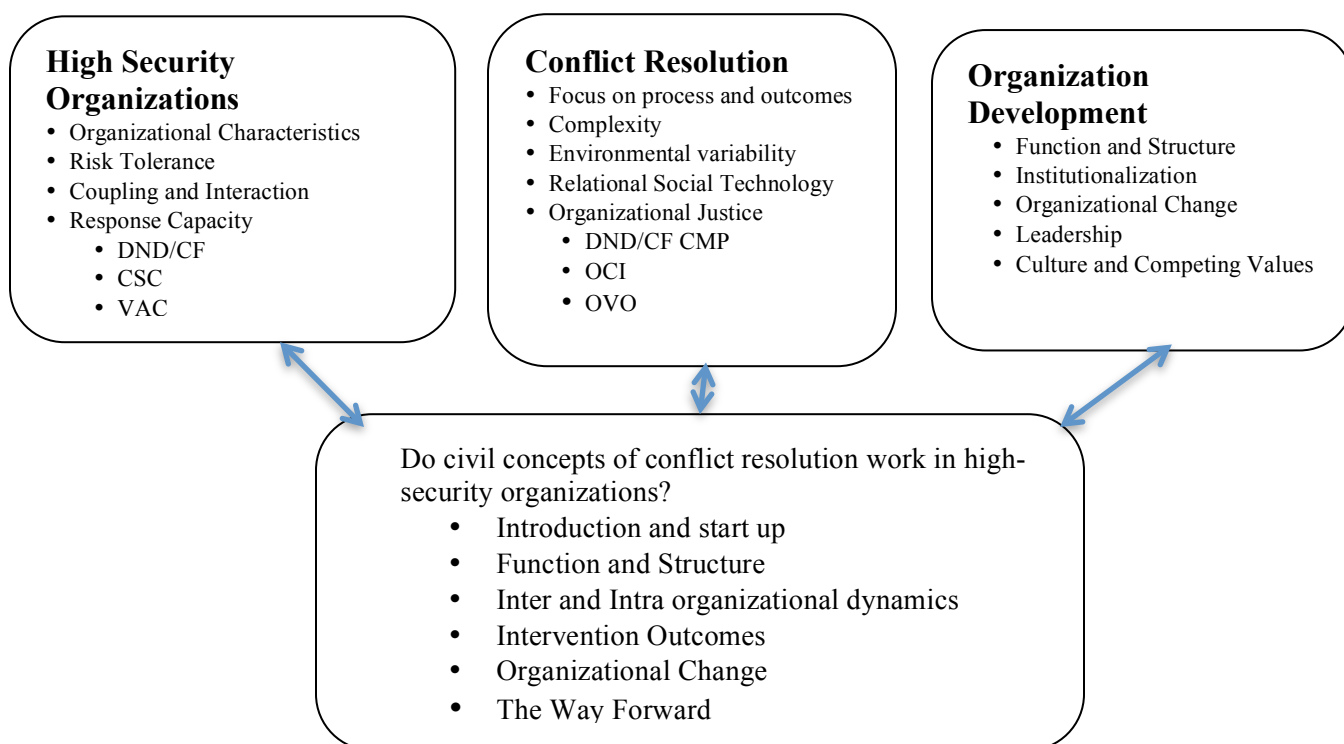
Correctional Services Canada (CSC), the Department of National Defence and Canadian Forces, and Veterans Affairs Canada represent three federal government organizations that display characteristics of high-security cultures and/or provide direct services to a constituency. The Office of the Correctional Investigator (OCI), the Director General Alternative Dispute Resolution (DGADR) and the Veterans Ombudsman (OVO) were

given externally developed mandates to intervene in situations of internally based conflict in their respective environments in order to affect resolution and to enhance the long-term functioning of the respective organizational environment. Similar offices and services that had been developed and previously applied in civilian settings served as models for the mandates in all three cases. All were new to the host organization and their introduction gave rise to varying degrees of controversy. The research problem under consideration in this dissertation is to determine whether conflict resolution approaches developed in civilian settings can work in high-security organizations, what strategies were used to introduce them, how they were adapted, and conditions for success.

Overview of Information Clusters in Literature

This section will provide a high level scan introducing the information clusters of high security organizations, conflict resolution and organizational justice and their relation to organizational development literature. The topics bear directly upon the research problem and the subject matter that needs to be examined in order to address it. The clusters are presented in Figure 2: Information Clusters that appears below and each will be considered in greater detail in the literature review in the following chapters 2 and 3.

**Figure 2:
Information Clusters**



The first cluster describes the characteristics of high security organizations and positions them as the basis to examine the environments in which conflict resolution was introduced. The second cluster identifies the salient features of conflict resolution technology and relates them to the programs that are pertinent to this study. The third cluster draws in the aspects of the larger organizational context that are needed in order to understand the dynamics and potential competing values underlying how the programs were introduced and what impact they had on their respective environments.

The topic of high-security organizations is relatively new in organizational literature where the majority of the focus falls on attempts to identify unique features describing organizations that meet the criteria. The criteria generally incorporate elements of their operating environments that are characterized by high levels of risk arising from their functions as in the military or from the environment as in the operation of electrical grids or nuclear power plants. High-security is often associated as well with lower levels of tolerance for risk or ambiguity in procedures or operations. The low-risk tolerance reflects the hazards inherent in the external environment as well as the consequences of error accruing from the internal operations.

Organizational culture provides the basis of the third criteria for assessing high-security. Levels of stratification are often coincident with levels of power and authority. Cultures vary as well in terms of the formality or standardization of roles related to the stratification levels with organizations described as high-security exhibiting higher levels of role definition and clearly ascribed levels of power and authority.

Attention has been focused more recently on the emergence of organizations operating in highly technical environments with closely coupled functions and low risk tolerance such as power plant operations as well as those in less technical areas but with significant levels of aversion to errors such as airport security. Public service organizations have not received as much attention in this literature but there are indications that they may demonstrate similar low levels of ambiguity tolerance with a resulting pressure towards

standardization of procedures. The public reporting function held by both OVO and OCI may also have a significant effect on the task – technology dimension with resulting impact on resource allocations and complexity in role and functions.

The organizational justice literature has made significant strides in identifying and measuring the variables underlying tension and conflict resolution and in assessing their impact on the individuals and organization as a whole. The six-factor organizational justice model appears to be well suited to measuring those variables in large civil organizations. Other organizational justice models have informed the measurement of those variables in military organizations, for example through the study of employee engagement. Although the six-factor model has been adapted for use in this study of the DND/CF conflict resolution program, it does not appear in other high-security military environments.

The application of the model to the DND/CF program differs from the United States Postal Service (USPS) dispute resolution program in two other respects. The USPS program employs a clearly defined and monitored transformative mediation program. The DND/CF program represents an interest-based approach but does not appear to monitor or classify itself in the same manner. Although some efforts have been made to identify and measure varying mediation styles there is no indication of their occurring in military environments and the mediation style survey used in this study is intended to examine that aspect of the DND/CF conflict resolution program.

An extensive body of literature that deals with the functions and structure of organizations indicates the closeness of linkage between operations and structures appears to be a function of tolerance for error and operational complexity. Both OVO and OCI are relatively small organizations that present indications of closely linked operations that may be due to low levels of risk tolerance as well as the need to ensure a high degree of reliability in responding to the organizations they oversee. DGADR on the other hand appears to have a greater need for responsiveness that may relate to its move toward decentralization and corresponding relatively weaker linkages.

The institutional literature describes a process whereby the organization can develop a value beyond that which is inherent in its technical core thereby developing an institutional identity that tends to increase its resistance to external forces. The interests the organization holds in reducing turbulence, increasing stability and securing access to resources will influence the process of institutionalization. All three organizations in this study have experienced significant levels of turbulence and exhibit evidence of increasing value in the form of allocated resources, environmental impact, and testimonials ascribed to them. The literature describing the institutionalization of ADR in public sector organizations will be particularly relevant in evaluating the extent to which the three subject organizations exhibit indications of having become institutionalized in their respective environments.

The subject of networks as a form of organizational behaviour provides a means of examining the relational aspects of the interactions among organizations. In all three cases, the organizations present a pattern of a complex set of transactions that take place close to the larger organization with which they are associated. The network literature will provide a means of assessing aspects of behaviour such as levels of adaptation and collaboration, flexibility of structure and its capacity to manage information flow.

The body of literature concerned with organizational change is large, multi-faceted, and continually expanding but its application to this study focuses on three aspects of the process. The three organizations exhibit significant evidence of change and the first topic of interest is focused on the antecedent conditions for change to occur and the dynamics that influence both the pace at which it will unfold and the extent of its coverage and impact. All three organizations also present evidence of having encountered considerable levels of resistance and the second focus of interest will examine the phenomenon of normative embeddedness and its capacity to evaluate the sources and motivations for resistance as well as its impact on the change process.

Action taken by influential individuals whether viewed as leadership or choice can have a

significant impact on the change process as well as the organizational structure and function that result from it. Leaders' actions can have a great impact on how organizations change. This literature will inform the analytic framework guiding this study (see Ch. 4) and the evaluation of those dynamics present in two of the three cases.

Research Problem

The introduction and overview of the literature provided some examples of how ADR can address conflict arising in the workplace, positioned the three organizations that are the focus of this study as high security organizations which tend to exhibit low tolerance for risk in strong cultures, and demonstrated how they seem to differ from ADR organizational types. ADR in two of the three cases was imposed on the host organization. The question that arises from those observations is "To what extent does ADR represent an alien social technology forced on an organization, and if that is the case what are its chances of survival?"

The challenge of exploring the introduction of civilian-based dispute resolution into high security organizations can be broken down into several tasks. The first is to describe the programs the settings and circumstances in which they arose and then determine what factors influenced that development. The second task is to determine the problem they were intended to solve, their objectives, and how they responded. The third task is to examine how they went about achieving those objectives and to determine the extent to which the dispute resolution program and the larger environment within which it operates may have influenced each other. The final task is to document the lessons learned and determine the implications for other times and settings. The following questions provide insight into and guide efforts to complete the tasks.

1. Organizations exist largely to manage collective activity in order to achieve a purpose that is either implicitly accepted or specifically articulated in the form of goals or outcomes. Despite the level of intention in their formation, organizations do not exist in a vacuum. Environmental factors such as resource availability, identified tasks, and related technology have a significant impact on the resulting form and structure. The

first question sets the context in which the conflict resolution program was established. *How was the program introduced, and implemented, and how was that influenced by principles of organizational change?*

2. The form and structure that organizations take exist primarily to provide the space that people need to manage the resources in pursuit of the intended goals at whatever level of complexity is required. Goals by their nature are future-oriented representing some specification of desired state but they arise from both past history and the current context. The combination of historical patterns and current circumstances will have some bearing on what is held to be important and how people and resources are organized to realize that. The second question explores the interaction between goals, structure, and operation. *What goals have been established for the program and how do they influence its structure and operations?*
3. Cooperative action in pursuit of some desired future state necessarily involves a level of interaction among those people holding an interest in either the process or the resulting outcome. Interaction has both an internal or subjective aspect as well as an objective external aspect. Each person enacts his or her intentions, aspirations, values, and beliefs within the context of the culture of the collective. The external level interaction is evidenced primarily by observable behaviour that in turn is influenced by the rules, mores and prescriptions of the social system in which the organization operates. The introduction of new programs, services, or structures into an existing environment engages a process of adaptation in which to some extent the introduced and existing organizations both change. In situations where the introduced element persists, the adaptation normalizes, and over time is incorporated into the regular operating patterns. The third task examines two relationships: between the dispute resolution program and its operational environment, and between the individual and the organization. *How does the introduced program interact with the external organizational context and does organizational culture affect the reaction? What does a dispute resolution program look like? How do CMP mediators approach the practice of mediation in a high security organization? What behaviours affect*

mediation outcomes? How does the mediation experience affect participants? What are the implications for the larger organization?

4. Experience gained in one setting may or may not translate readily to a different set of circumstances. If the factors relevant to the program's persistence can be identified and evaluated then it stands to benefit from the understanding. Likewise if those factors can be observed and appear to be relevant in other settings the scope of application expands correspondingly. The fourth question explores the potential for that broader application. *What lessons does the experience of the three case-study organizations offer that may help to inform future efforts?*

This dissertation will employ multiple methods to examine the observations of managers and leaders in all the three offices as well as the experiences of conflict resolution practitioners and those people who participated in conflict resolution interventions. The researcher's professional history of working within as well as conducting research in HSOs will provide an additional line of evidence. The study will first examine how the conflict resolution systems were introduced into the DGADR, OCI, and OVO. Managers and leaders in DGADR, OCI and OVO will be asked a series of prepared questions in semi structured interviews intended to explore their observations of the development history, the state of current operations and what they anticipate may be relevant future considerations. The data will help determine how organizations were structured, what affect the cultures of the three environments had on them, what effect they in turn had on the host organization and finally, what was learned that could inform other attempts to introduce conflict resolution systems in high-security environments.

Moving from the organizational to the individual, the second level of analysis will examine in detail the experience of DGADR in delivering the Conflict Management Program in DND/CF. CMP is centrally coordinated from the Ottawa office. The network of 13 Dispute Resolution Centres (DRC) located within major CF bases from Halifax to Esquimalt delivers workplace focused mediation. It is intended to encourage the parties to the conflict to explore their different viewpoints and, through an honest sharing of

needs and expectations, develop new ways of resolving conflict that are lasting and mutually beneficial. Mediation is a voluntary process that is available to people at any time regardless of whether they have initiated a formal redress mechanism such as a grievance or harassment complaint. Other people such as union representatives, legal counsel, or spouses can accompany parties who can voluntarily withdraw without penalty at any time.

This part of the study begins with an exploration of how mediation practitioners perceive their job of helping to resolve conflict. Practitioners are asked to complete a structured questionnaire examining aspects of preferred practice, the results of which will indicate the strength of their overall preference for either a facilitative or an evaluative approach to mediation.

The study then looks at the behaviours mediation practitioners indicate tend to support positive outcomes and what appear to be best practices in delivering the service. At the end of the mediation, practitioners are asked to complete a structured questionnaire in which they rate their own as well as a series of participant behaviours in terms of their impact on overall mediation outcome. The last section of the questionnaire asks mediators to rate a series of suggestions for process improvements, the combination of which will provide an indication of best practice for conflict resolution in a high-security setting.

Finally, the study examines in detail what the parties to mediation say about their experience of participating in mediation and how that experience might influence their behaviour in the future. Following the completion of mediation, the participating parties are asked to rate their level of agreement or satisfaction with a series of questions. The questions explore aspects of the mediation process, the fairness of treatment they received, the information they were provided with, the quality of interaction with each other and the mediator, the fairness of the outcome, their future intentions and the effect of mediation on their relationship with the other party.

The research leads to several outcomes. First, it provides a conceptual framework that captures how different approaches to conflict resolution might fare in different types of organizations. Second, it examines the impact of the ADR approach to conflict in DND/CF. Finally, it examines how new conflict resolution programs may be incorporated into organizations with strong cultures and deeply embedded behavioural repertoires, and identify strategies for increasing chances of success.

This is a practice-based study. It is located in operational settings that are actively involved in managing conflict and resolving disputes. The researcher working in such environments must be aware of the potential influence that their own experience, values and approaches to the subject could potentially have on the subject matter and their interpretations. The next section will describe elements of my history and their potential influence on this study.

Researcher's Professional History

Cultures in high security organizations are complex appear to be inaccessible and often difficult to understand from the outside. My background as an Air Force Officer in one of the three case-study organizations, as well as my motivation for and experience with conducting research in these settings will help to inform our understanding of what happens when they are exposed to new social technologies.

I joined the Air Force at 18 after graduating from a small high school in northern New Brunswick. The training I received took me through the process of adapting to military culture. I learned to work as a team member, rely on my mates, carry my own weight, and trust in the integrity of the group. My training as a crewmember on operational aircraft led me to appreciate the benefit of careful planning, the fit between task and technology, an appreciation of risk and the consequences of error. The time I spent as an instructor in Basic Officer Training sparked my interest in teaching and the challenge of helping to develop new leaders deepened my understanding of and appreciation for teamwork.

I left the CF to pursue a career working in community services counselling at-risk children and families. A good deal of that work involved hands-on conflict management and conflict resolution. This provided me with the opportunity to study relationships and the dynamics of interactions among people. My interest in group behaviour and how organizations worked led me to the Masters in Public Administration program, where I had the opportunity to study organizational change and the skills associated with collecting and analyzing data, evaluating whether organizations did what they said they were going to.

I re-joined DND/CF as a civilian with the ombudsman office after having been completely detached from military life for more than twenty years. I had the opportunity as a senior investigator to analyze complaints from civilian and military members and practice conflict resolution as we worked to effect informal resolution of complaints. That work provided me with the opportunity to observe the organization closely, recognize its strengths as well as some of its structural and functional limitations and to appreciate the values that are an inherent part of the military culture. I was also able to observe first-hand the corrosive effect that prolonged unresolved conflict has on individuals and the often hidden costs borne by the organization.

The application process for approval to conduct this study as a researcher external to DND/CF began in the fall of 2010. No consideration was given either to my previous military experience or to my experience as a senior investigator with the DND/CF Ombudsman Office. Final approval was granted by the Director General Military Personnel Research Administration (DGMPRA), Social Science Research Review Board (SSRB), in accordance with CANFORGEN 198/08, Coordination # 990/11-F on 8 June 2011 (Department of National Defence and Canadian Forces, 8 June, 2011). Following the receipt of approval, DGADR developed and promulgated the supporting documents and necessary standard operating procedures (Department of National Defence and Canadian Forces, October 2011) and data collection continued from October 1, 2011 to October 30, 2012. The execution and accomplishments of the study will be one of the subjects of this dissertation.

My career as an officer in the regular CF was a significant influence in my early life. My previous service as well as my interest in helping current members motivated my return to employment with DND/CF in 2000. The experience of being part of the DND/CF Ombudsman Office from its earliest years gave me a chance to observe first-hand the challenges inherent in introducing a new program and changing organizations as well as the value and effectiveness of informal conflict resolution. I began the journey towards a PhD hoping to find a way to advance the potential of conflict resolution to enhance organizational effectiveness and improve people's lives. I believe my training education and the personal experience of conducting research in HSOs provide a unique opportunity to examine aspects of the organization. Those aspects may not be as readily apparent to researchers who do not have the benefit of that experience base, and the discipline and rigour of an academic program will provide a platform to further our knowledge in this important area.

Dissertation Structure

This dissertation contains twelve chapters arranged in five parts. The first part, comprised of this chapter, described the historical background behind the study, presented the research problem, identified the research questions, and explained how the information will be treated. It also described the researcher's background and experience considered its potential influence and explained the rationale for and the resulting structure.

Part Two presents the results of the literature review arranged in two chapters. Chapter 2 focuses on the topic of conflict resolution and examines the concept of the ombudsman and its relation to conflict resolution. The review describes the predominant structural models of conflict resolution and in the process of examining the evidence of its effectiveness presents a model for measuring and evaluating its impact. It also describes two potential intervener perspectives that are relevant to this study and discusses their potential influence on conflict resolution. Chapter 3 explores the organizational development literature beginning with the subject of form and structure that incorporates goals, task and technology, the process of differentiation and the influence of individual

choice. The review then examines the subject of resource dependency in which the actions organizations take in managing resources influence the process of their adaptation to the changing environment. Adaptation requires either the implicit or the explicit consent of the participants and the nature of participant consent determines whether it will be infused with those values and institutionalized as an expanded entity. The high-security and public sector environments in which this study takes place can influence the manner in which the institutionalization is displayed. Institutionalization necessarily involves change and the literature on that subject explores the conditions needed and some of their consequential effects. Change also affects individuals as part of the organizations; the subject of relationship and its role form the final subject of the review.

Chapter 4 the first of two chapters in Part Three integrates the results of the literature review into an analytic framework that has two major components. The first component is the map of information clusters that inform its development and the second represents the dynamic nature of the framework itself. Figures 6 and 7 serve as a guide to the methodology and the ensuing data analysis and discussion. The research methodology presented in Chapter 5 begins with a description of the concepts underlying integral theory. Based on those concepts it establishes the role relationship plays in resolving conflict and identifies the value in adopting a full spectrum approach to examining conflict resolution. The chapter then explains the research approach, outlines the design, identifies the target population and the process of constructing the sample, describes the interview and survey instruments that were employed in the study and ends with a discussion of the issues that arise from the methodology.

Part Four includes four chapters. Chapters 6, 7, and 8 respectively present the results of the interview studies in DGADR, the Office of the Correctional Investigator and the Veterans Ombudsman. Chapter 9 presents the analysis of the in-depth study of ADR in DND/CF. Part Five contains three chapters that present the findings and conclusions. Chapters 10 and 11 present the discussion of findings with implications for all three organizations, and Chapter 12 finishes by reflecting on what was accomplished by this study and considers the implications for future research and practice.

Chapter Two

Conflict Resolution Literature: Theory and Evidence

This dissertation draws on five areas of research namely: conflict resolution, organizational development, institutionalization, organizational change, and organizational justice. Each has a direct application to the introduction of civilian-based DR services into high-security types of organizational settings. This first literature stream of conflict resolution describes the purpose of ombudsman offices, the range of forms they can represent the major characteristics of each type and will position the OCI and OVO within that typology.

The chapter then presents the major models of conflict resolution, identifying the discrete functions and their proposed relationship in mediation. These models form the basis of the logic model that describes the theory underlying conflict resolution and provides a guide to measuring the process of resolving conflict as well as its anticipated impact on the participants and their work environment. The section entitled Evidence of Effectiveness will present the results of applying the comprehensive model to the analysis of data gathered in a mediation program and assessing its strengths and weaknesses.

The data used to inform the development of the organizational justice model were gathered in a program that applied an elicitive approach to mediation, while the CMP that is the focus of this study employed a facilitative approach. The final section in this chapter will describe the two approaches and compare their application.

The Concept and Types of Ombudsman

The concept of the ombudsman as the neutral and disinterested party who could intervene and redress situations of unfairness arising from decisions taken by the state originated in Sweden in 1860 and began to appear later in other jurisdictions such as Norway, Denmark and West Germany in the 1950s and later in Canada in the 1960s and 1970s. The concept has developed to the point where the ombudsman is now primarily a means of “[...] redressing the imbalance of power between the state and the individual;

enhancing fairness in government as well as on the ground level; and promoting a pragmatic accountability of the administration.” (Levine, 2007) The purpose of the DND/CF Ombudsman was to provide the Minister of National Defence and parliament with an improved capability of monitoring the Canadian Forces.

Military ombudsman.

Armed forces are very different organizations from government departments, universities, and corporate enterprises. They have their own code of service discipline, maintain internal police, prosecution and trial services, provide medical, health and housing services, and maintain complete career training services. They also have a greater degree of control over their members, including the authority to lead them into harm’s way. This does not happen in any other civil organization. These organizations, and to a great extent the military ombudsman offices that provide oversight of them, tend to be tightly coupled systems that operate within highly prescribed rules, methods and constraints and consequently have a low tolerance for ambiguity and error. (Frederickson & La Porte, 2002; Heimann, 1995; Roe et al., 2005)

Military ombudsman offices have existed since 1915 and now operate in Sweden, Norway, Denmark, the Netherlands, Germany, Czech Republic, Israel, Australia, New Zealand, and Canada. These organizations have a variety of characteristics and although they do not fit neatly into either category of classical or organizational ombudsman, they are more similar to the classical model. The military ombudsman office responds to complaints from serving members of the armed forces within its jurisdiction, and in some instances has the authority to provide complaint resolution services to other constituents. Constituents have the right to complain about administrative unfairness within a jurisdiction, usually the country that the armed forces represent and protect. (Marin 1999)

Typology of primary characteristics.

Table 1 on ‘Comparative Analysis of Selected Ombudsmen Models and Other Similar Agencies’ on the following page is modification of a table from *The Way Forward* (Marin, 1999). Table 1 is organized according to the categories of Classical, Military,

Empowered and Organizational Ombudsmen. An examination of the data in each category indicates that classical and organizational offices are consistent across all ten factors, military offices are consistent across seven, and empowered offices have consistent ratings across six of the factors.

An overview indicates that classical offices are the only category that exhibits all of the powers and exemptions indicated by the comparative factors. With the exception of two offices, military ombudsmen possess all but two of the protections. The data regarding exemption from access to information legislation and immunity from prosecution is limited and does not support a comparison.

Within the empowered category, the Correctional Investigator is unique in that the office holds all the powers and protections except for the exemption from access to information legislation. The Veterans Ombudsman and the remaining six offices have less right of entry and none has power to invoke penalties for obstruction or noncompliance, nor do they enjoy immunity from prosecution. The final category of organizational offices holds none of the factors related to power or protection.

This analysis indicates a high degree of internal consistency within the categories, providing some basis for the conclusion that ombudsman offices can be categorized according to the selected factors related to investigative powers and protections. The Offices of the Correctional Investigator and the Veterans Ombudsman share many of the features of empowered ombudsman and to varying degrees operate in environments that represent characteristics associated with high-security organizations. The description of ombudsman offices will inform the analysis of data regarding form, function, and their potential impact on observed outcomes.

Table 1: Comparative Analysis of Selected Ombudsmen Models and Other Similar Agencies

	Power to investigate	Discretion to refuse to investigate	Discretion to initiate investigation	Privacy of Investigation	Power to compel production of documents	Power to compel witness statement	Right of Entry	Exemption from access to information legislation	Offences & penalty for obstruction & non compliance	Immunity of Ombudsman & staff
Classical Ombudsman										
Province of British Columbia	√	√	√	√	√	√	√	√	√	√
Province of Alberta	√	√	√	√	√	√	√	√	√	√
Province of Saskatchewan	√	√	√	√	√	√	√	√	√	√
Province of Manitoba	√	√	√	√	√	√	√	√	√	√
Province of Ontario	√	√	√	√	√	√	√	√	√	√
Province of Quebec	√	√	√	√	√	√	√	√	√	√
Province of New Brunswick	√	√	√	√	√	√	√	√	√	√
Province of Nova Scotia	√	√	√	√	√	√	√	√	√	√
Province of Newfoundland	√	√	√	√	√	√	√	√	√	√
Military Ombudsman										
Australian Defence Force	√	√	√	√	√	√	√	X	√	√
Czech Republic Armed Force	√	√	√	√	√	√	√	n/a	n/a	n/a
DND/CF Ombudsman	√	√	√	√	√	√	√	X	√	X
Israeli Defence Force	√	√	√	√	√	√	√	√	√	n/a
Norwegian Armed Forces	√	√	√	n/a	√	√	√	n/a	√	n/a
German Armed Forces	√	√	√	√	√	√	√	n/a	√	√
Swedish Ombudsman	√	√	√	√	√	√	√	√	√	√
Royal Netherlands Forces	√	√	√	√	√	√	√	n/a	√	n/a
US Inspector General	√	√	√	√	√	√	√	n/a	√	n/a
Empowered Organizational Ombudsman										
Correctional Investigator	√	√	√	√	√	√	√	X	√	√
Veterans Ombudsman	√	√	√	√	X	√	X	X	X	X
Algonquin College	√	√	√	√	√	X	X	X	X	X
CBC Ombudsman	√	√	√	√	√	√	√	X	X	X
Concordia University	√	√	√	√	√	√	n/a	X	X	X
Official Languages Comm.	√	√	√	√	√	√	X	X	X	X
RCMP External Review	√	√	√	√	√	X	X	X	X	n/a
TD Bank Ombudsman	√	√	√	√	√	√	√	n/a	X	X
Organization -- Ombudsman										
CIDA Ombudsman	X	X	X	X	X	X	X	X	X	X
DFAIT Ombudsman	X	X	X	X	X	X	X	X	X	X
DIAND Ombudsman	X	X	X	X	X	X	X	X	X	X
TD Bank "Between Us"	X	X	X	X	X	X	X	X	X	X

Legend: √ = yes

X = no

n/a = not applicable or unknown Original table 1999, revised 2014

Conflict Resolution Models

The conflict resolution literature identifies and describes several models that seek to identify the major components in mediation and describe the relationship between them. This section begins with a detailed examination of the Riskin, Currie and Alexander models that formed the basis of the concepts inherent in the Comprehensive model used to build the final working model used in this study. The next section will examine the organizational justice model that forms the basis of the Parties to Mediation survey used to assess the implementation of ADR in the DND/CF. The Comprehensive and organizational justice models will combine to form the Conflict Resolution Logic Model that portrays the theory underlying the DND/CF mediation service.

Riskin model: mediator role vs. problem definition.

Riskin's model incorporates two dimensions of mediator role and problem definition. It characterizes the role of the mediator as being either directive or elicitive and the definition of the problem presented for mediation as being either broad or narrowly framed. The result is a four-quadrant grid intended to describe the range of approaches generally applied in mediation (Riskin, 2003-2004). This work, describes how the interaction of the two dimensions of mediator role and problem definition will lead to different types of experiences and potentially different outcomes in varying circumstances.

Currie model: mediator characteristics.

Currie (Currie, 2004) criticizes Riskin's assumptions that the issues underlying a conflict are discrete entities which can be effectively identified and resolved separately, and that effective resolution can rest on these relatively narrowly defined issues. Currie claims that conflict is inherently an interrelated mix of content, identity, relationship and process goals far too complex and that observers cannot rely on narrowly defined content issues.

Currie (2004) proposed that the following characteristics of mediators offered a

better indicator of their performance than the unpredictable behavioural assessment underlying Riskin's model: qualifications; relationship to the parties in terms of being from within or without the organization; bias arising from their level of content expertise; and authority or level of influence over the parties.

Currie (2004) described two mediator types based on those characteristics. The first he labeled *traditionalists*, which historically have helped resolve conflicts in various aspects of organizations and society. They are informally qualified, arise from the same settings as the parties, and often hold relatively high degrees of content expertise and sway over the parties. As a result, traditional mediators exercise considerable degrees of content and authority bias, and tend to take a directive approach. *Professional mediators*, on the other hand, generally hold formal mediation qualifications that include knowledge and skill in managing conflict. They tend to come from outside the parties' organizational context, have little in the way of content and authority bias and take a facilitative approach, focusing on the process rather than the content of the conflict.

Alexander model: interaction and intervention.

Alexander (Alexander, 2008) expands primarily upon Riskin's dichotomy and presents a meta-model based upon two dimensions of interaction and intervention. The intervention dimension includes three approaches: *positional bargaining*, which aims to maximize outcomes under constraints; *interest-based negotiation*, which attempts to determine participants' closely held interests and from there move to mutually acceptable solutions; and *transformative dialogue*, which attempts to assist parties in developing constructive communication enabling them to create their own solutions.

The intervention dimension has two levels: problem and process. *Problem-focused intervention* tends to be more structured, concentrating on the subject matter and on the merits of the conflict. *Process intervention* concentrates on

how the antecedent steps as well as mediation itself are managed in accounting for the way in which parties communicate and handle information.

The professional background and education of mediators is a significant factor in determining their intervention style. Mediators who take a predominantly process-intervention approach to their practice tend to work systematically in accordance with well-recognized principles drawn from their diverse training and education backgrounds. They follow the principle that mediators direct the *process*, leaving the problem to the parties.

Mediators act as facilitators and coaches, educating and empowering the parties to make their own decisions with respect to the conflict. Process-oriented mediators are usually selected for their process skills and their lack of connection and outsider status in relation to the parties and the conflict. The focus on process sits particularly well with the mediation goals of individual autonomy and self-determination. (Alexander 2008 pp. 103-104)

The models proposed by Riskin, Currie and Alexander identify major constructs that underlie conflict resolution and provide a useful conceptualization of their potential interaction and the resulting variety of mediation techniques. Riskin's two-by-two matrix has the benefit of greater simplicity and sharper distinction between the categories but has difficulty incorporating the dialogue-based approaches. Alexander's intervention dimension of problem and process is intuitively easier to grasp than Riskin's problem definition of narrow and broad. Alexander also successfully incorporates a greater range of interaction types, including the dialogue-based approaches, but the classification suffers to an extent from a blurring of the boundaries among some of the categories. Both models concentrate exclusively on the tools and techniques used in the intervention and fail to account for significant factors such as the time dimension and the environmental conditions preceding mediation.

Comprehensive model: time-based and measurable.

Herrman, Hollett, and Gale (Herrman, M.S., Hollett, N., Gale, J., 2006) attempt to develop a mediation model that takes into account the dimension of time and can be empirically tested. The authors carried out an extensive review of the

mediation research literature that enabled them to identify variables explaining specific aspects of the process. The authors then grouped the variables into a number of constructs used to develop their Comprehensive Model of Conflict Resolution, which divides the mediation process into four time-based phases: preliminary conditions, intervention, short-term outcomes, and long-term impacts (Figure 2). The model does not intend to describe causal relationships. However, it does attempt to describe functional mediation stages and identify those factors that over time are likely to influence the process.

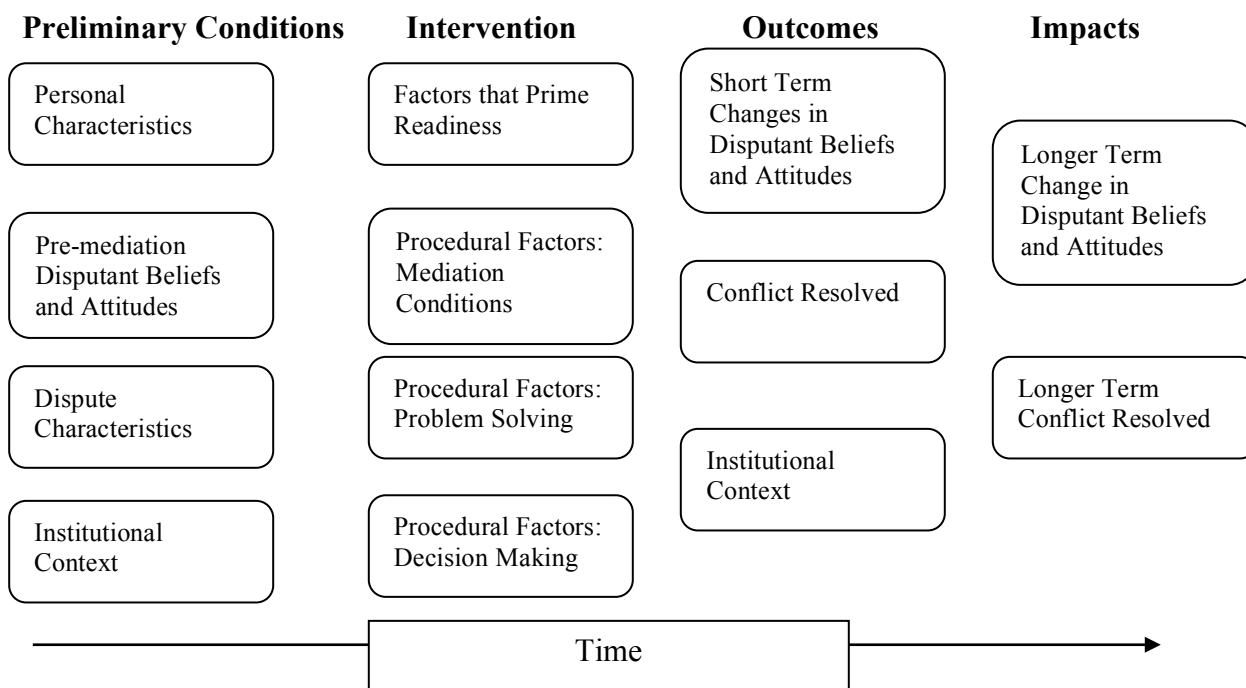
The first phase of preliminary conditions incorporates sources of variation present before the start of mediation. The ‘personal characteristics’ construct includes traits held by disputants and mediator that influence their capacity to participate. The ‘disputant attitudes and beliefs’ construct incorporates variables such as willingness to participate, expectations of outcome and motivation to resolve. The variables that make up the characteristics of the ‘conflict’ construct include legal aspects and interpersonal dynamics. The construct of ‘institutional context’ incorporates the variables of program context and access to and efficiency of the process within which the mediation takes place.

The second phase of intervention describes dynamics inherent in the mediation itself and that support people’s capacity to negotiate effectively. The construct of factors that prime ‘personal readiness’ include the extent to which participants feel heard and understood, perceive mediator empathy and are able to talk about their perceptions. The ‘mediation conditions’ construct includes variables such as level of participation, procedural clarity, and mediator neutrality. The ‘problem-solving’ construct is the second procedural factor and contains the variables of active negotiation and development of options. The third procedural construct of ‘decision-making’ contains the variables of disputant-shaped decisions and mediator-driven closure.

The third and fourth phases contain constructs describing short-term outcomes and longer-term impacts. The first construct of ‘short-term outcomes’ contains variables such as satisfaction levels with process, mediator, and outcome and describes changes that may have occurred in disputant beliefs and attitudes. The variables of concluded agreements resolved issues and distributive justice make up the second construct of resolved conflict. The third construct of ‘institutional context’ contains variables describing institutional efficiency and effectiveness. The constructs of ‘disputant beliefs and attitudes’, and conflict resolved that appear in the fourth phase measure longer-term impacts such as changes in relationship and rates of compliance with agreements.

The Comprehensive Model presented in Figure 3 identifies the major components of mediation and illustrates their relationship over time in a way that captures the antecedent conditions, the intervention and the anticipated effects on the participants as well as their environment. The interaction between the constructs along the proposed period presents a dynamic model of actual mediation practice that can be used to support mediation training as well as further empirical research, but is not a causal model, and does not indicate how that interaction could occur or how it might be measured.

Figure 3: Comprehensive Model of Conflict Resolution (Herman et al. 2006)



This approach to modeling has some significant advantages. First, it can present a logic underlying the interaction among the various constructs that helps to explain the observed outcomes. Second, it allows for close examination of each phase and exploration of how variation in that phase might interact with later phases to influence the outcome. Third, it has the potential to determine the strength of association among various constructs leading to an assessment of confidence in the overall outcome.

Organizational justice model: participants' experience.

A third approach to modeling focuses more on making conceptual distinctions, based on concepts of organizational justice or the study of justice in workplace settings. Organizational justice is concerned with the fair treatment of employees and its corresponding impact on the individual and the work environment. "In general, organizational justice research indicates that employees who believe they are treated fairly will be favourably disposed toward and engage in pro-social behaviours on behalf of the organization." (Nabatchi, Bingham & Good 2007, p 155) The authors present a Six Factor Model of Organizational Justice based on the following constructs:

- *Distributive justice* arises from social equity theory, holding that social behaviour relates to the perceived fairness of the distribution of outcomes resulting from the resolution.
- *Procedural-Process justice* incorporates participants' perception of the fairness of the rules governing the response to conflict.
- *Procedural – mediator justice* considers the extent to which the participants perceive the mediator's behaviour during conflict resolution to have been fair.
- *Informational justice* involves the explanation of the procedures used and the process of making decisions in the conflict resolution context.
- *Disputant-Disputant interpersonal justice* identifies aspects of the interaction that develop between the parties to the conflict and describes their perception of that interaction.

- *Disputant-Mediator interpersonal justice* identifies aspects of the party's interaction with the mediator. (Nabatchi, Bingham & Good 2007)

The authors examined the constructs in a study of 48,024 cases mediated in the REDRESS program in the United States Postal Service. This large employment mediation program employs transformative mediation to respond to complaints of prohibited discrimination. Independent mediators outside of the USPS assist the parties in discussing and negotiating a resolution to their conflict. (Antes, Folger, & Della Noce, 2001; Bingham, 1997; Bingham & Novac, 2001; Nabatchi & Bingham, 2001; Nabatchi & Bingham, 2010; Nabatchi, Bingham, & Moon, 2010)

Confidential and anonymous exit surveys given to all participants at the close of the REDRESS mediation session generated a response rate of 75% and included 23,390 employees and 24,634 supervisors. To test the model the authors used face validity to allocate each of the survey items, as measured on a five-point Likert type scale, to one of the six factors. The inter-item correlations were then calculated and six of the initial thirty-three items were eliminated due to low correlation values. The remaining inter-item correlations were above .70. The six-factor model was then tested using confirmatory factor analysis, with the results indicating that each of the six factors measured a unique aspect of the mediation process.

Although the survey intended to examine transformative mediation, the authors express confidence in its application to mediation programs employing other forms such as directive or interest-based mediation. Both the Comprehensive Model of Conflict Resolution (Herman et al 2006) and the 6 Factor model of Organizational Justice (Nabatchi, Bingham and Good 2007) provide a set of constructs and variables representing a dynamic, multi-phase approach to conflict resolution that can facilitate in-depth examination by phase or a meta examination of the overall process and its attendant outcomes. However, the 6 Factor Organizational Justice Model incorporates a more comprehensive

examination of the interaction between the parties themselves and between the parties and the mediator.

The constructs underlying the anticipated outcomes and their relation to the survey questions are presented in Table 2. The constructs and the corresponding questions are adapted from Nabatchi and Bingham and Good (2007) survey instrument applied in their study of the USPS and is the survey that they used to develop and test their 6 Factor model of organizational justice. The logic model in Figure 4, p.40 and the survey developed for application to this study (see Chapter 5 for more detail) are based on the organizational justice model.

Conflict Intervention Logic Model.

The comprehensive model of conflict resolution (Herrman, Hollett and Gale, 2006) and 6 Factor Organizational Justice Model (Nabatchi, Bingham and Good, 2007) identified a number of constructs that were associated with stages in the conflict identification and resolution process. The relevant concepts from both models inform the logic model in Figure 4 and display the intended relationship between the variables that identified in the CMP. The model is not as an evaluation framework but provides a means of presenting the theory underlying conflict resolution identifying the main elements and demonstrating how organizational justice concepts are integrated into and form the basis for examining this application. The Conflict Intervention Logic Model identifies the discrete variables and displays them in the four columns of Activities, Outputs, Outcomes, and Overall Impact intended to reflect how the intervention is organized.

The Activities column includes the Intake process of collecting and recording the baseline data on the participants and the nature of the conflict, and produces a completed data bank and a confirmed referral. The confirmed referral initiates a Pre-Meeting Consultation between the practitioner and the participants. During the consultation, the intervention approach is described and agreed upon, the

Table 2: Comparison of Organizational Justice Factors

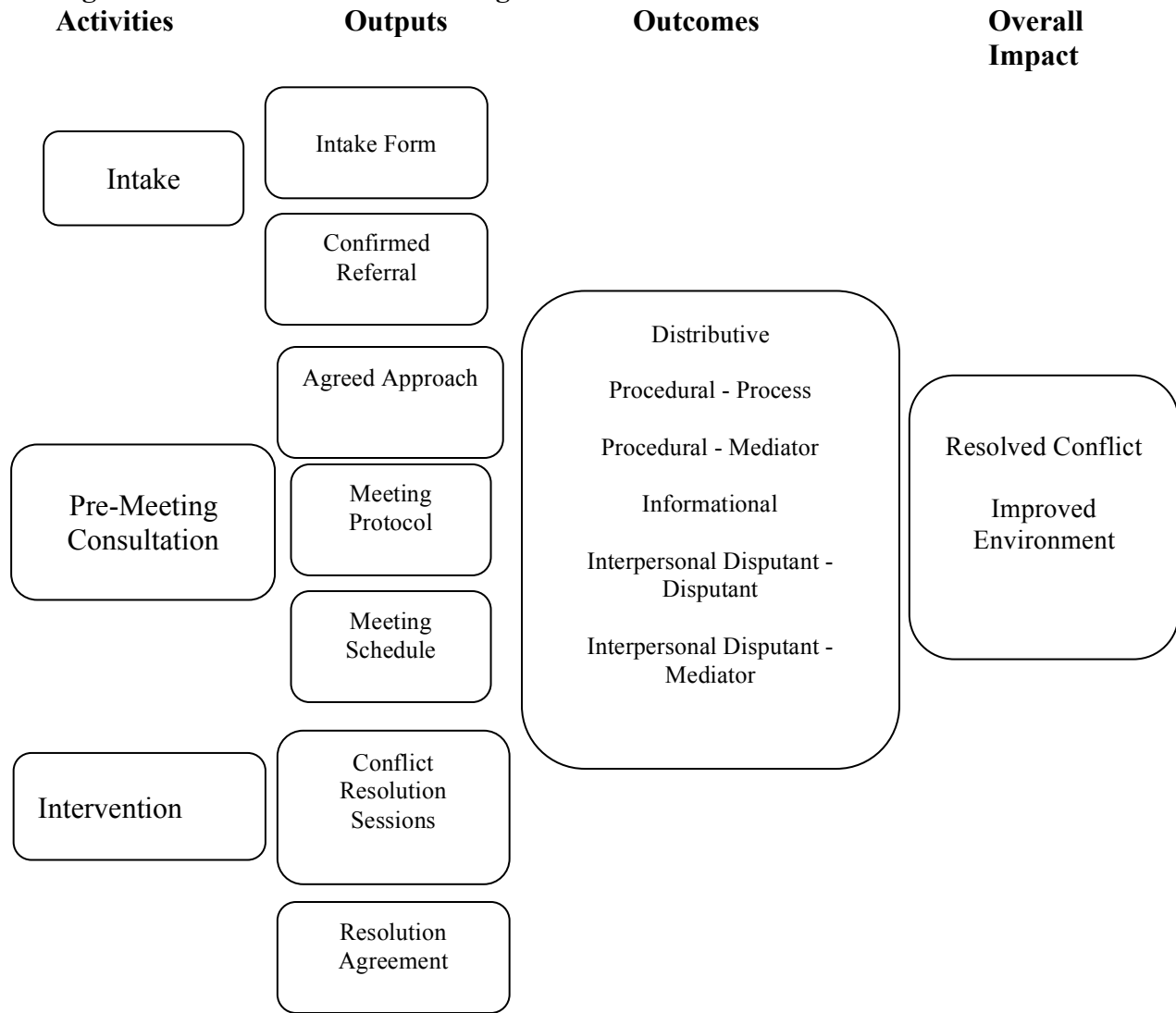
Construct		Survey Question
Distributive Justice		How satisfied are you with...
		<ul style="list-style-type: none"> • The overall outcome of the mediation?
		<ul style="list-style-type: none"> • The outcome of the mediation compared with what you expected before the mediation took place.
		<ul style="list-style-type: none"> • The fairness of the outcome?
		<ul style="list-style-type: none"> • The control you had over the outcome of the mediation
Procedural Justice	Process	How satisfied are you with....
		<ul style="list-style-type: none"> • The amount of control you had over the mediation.
		<ul style="list-style-type: none"> • The opportunity to present your side of the dispute.
		<ul style="list-style-type: none"> • The fairness of the mediation.
		<ul style="list-style-type: none"> • How much you got to participate in the mediation.
	Mediator	How satisfied are you with...
		<ul style="list-style-type: none"> • The amount of respect the mediator gave you.
		<ul style="list-style-type: none"> • The impartiality of the mediator.
		<ul style="list-style-type: none"> • The fairness of the mediator.
		<ul style="list-style-type: none"> • The mediator's performance overall.
Informational Justice		How strongly do you agree that...
		<ul style="list-style-type: none"> • The mediator told you the strengths and weakness of the case?
		<ul style="list-style-type: none"> • The mediator pressed you to accept a resolution you were uncomfortable with?
Interpersonal Justice	Disputant-Disputant	How strongly do you agree that ...
		<ul style="list-style-type: none"> • The other person listened to your views.
		<ul style="list-style-type: none"> • The other person learned something new about your point of view.
		<ul style="list-style-type: none"> • You learned something new about the other person's point of view.
		<ul style="list-style-type: none"> • The other person acknowledged as legitimate your perspective, views, or interests.
		<ul style="list-style-type: none"> • You acknowledged as legitimate the other person's perspective, views, or interests.
	Disputant-Mediator	How strongly do you agree that ...
		<ul style="list-style-type: none"> • The mediator helped you clarify what your goals and/or choices were.
		<ul style="list-style-type: none"> • The mediator helped you understand the other person's viewpoint.
		<ul style="list-style-type: none"> • The mediator helped the other person understand [your] viewpoint.
Relationship		<ul style="list-style-type: none"> • What impact will the mediation have on your long-term relationship with the other person?
Recommendation		<ul style="list-style-type: none"> • Would you recommend the mediation program to someone else to resolve a dispute? • If you were involved in a dispute in the future, would you use the mediation program again?

protocol, including the need for any support services is identified and confirmed and a meeting schedule is established. The Intervention in this case is the actual

conflict resolution sessions that take place between the practitioner and the participants as they work towards a solution documented in a signed agreement. The logic model outcomes are based directly on the constructs underlying the 6 Factor organizational justice model. They represent the outcomes expected to occur as a direct result of the intervention that produced the defined outputs. The Overall Impact or the purpose for the CMP represents the long-term changed state the intervention is intended to effect.

Most programs take place over a period and their effects distributed over large groups such as populations or organizations make it difficult to observe directly. Because of these conditions, and the possible influence of extraneous variables it is difficult to attribute the impact directly to the intervention. Outcomes, on the other hand, tend to occur in closer temporal proximity to the intervention and are more directly observable. To the extent that constructs or indicators of the outcomes demonstrate face and content validity and can be empirically measured, they can be taken as evidence of the desired impact. No single outcome is sufficient to conclude the impact occurred. However, observations of multiple outcomes empirically related to the intervention tend to increase confidence in the conclusion that the expected relationship between the intervention and the overall impact has occurred.

The logic model and the related organizational justice questions provide the framework within which this study will examine constructs such as preparation, participation, agreement, compliance, and satisfaction with the mediation service. The results will enable the researcher to document outcomes and provide an indication of how respondents rate individual mediations as well how the service overall is perceived. The following section will describe the results of using data gathered in an existing mediation to assess how the model could assist with assessing the data and explaining the results.

Figure 4: Conflict Intervention Logic Model

Evidence of Effectiveness.

Attempts to empirically measure various mediation approaches indicate the concepts as described in the models are not always reflected in measures of practice. Charkoudian, De Ritis, Buck and Wilson (Charkoudian, L., DeRitis, C., Buck, B., Wilson, C.L., 2009) surveyed 250 mediators and analyzed mediator behaviour, concluding that the data tended to support Riskin's mediator role dimension of elicitive and directive, but did not support the problem definition dimension of narrow to broad. They also concluded that there is yet no commonly accepted definition of the approaches to mediation indicating the importance of specifically describing the intervention.

Polkinghorn and McDermott (Polkinghorn, B. McDermott, P. E., 2006) report on applying the comprehensive model as a framework to examine the results of three earlier studies (McDermott, Obar, Jose, & Polkinghorn, 2001; McDermott, Obar, Jose, & Bowers, 2000; McDermott, Jose, & Obar, 2003) conducted on the US Equal Employment Opportunity Commission's (EEOC) mediation service. The first EEOC study (McDermott et al., 2000) was an evaluation of participant satisfaction with mediation and the mediators' perspective of the mediation process that included 4,776 mediation cases with 2,062 usable surveys for a response rate of 43.2%.

The authors compared the comprehensive model to the questions asked in the surveys to determine similarity between factors identified in the model and those that appeared in the surveys. Analysis of the data was limited to the use of descriptive statistics that reported primarily the numbers and percentages of responses to questions in the relevant categories.

The authors report that survey questions and resulting data closely matched many of the constructs which appear in the preliminary conditions of phase one of the comprehensive model. In particular, the constructs of mediator and disputant personal characteristics, conflict characteristics and institutional context were a close fit with both the questions and data. The survey did not measure disputant beliefs and attitudes and the authors made no comparison with those constructs in the model.

The questions and data produced in the survey also closely matched intervention constructs in phase two of the comprehensive model. The authors reported that the factors that prime readiness – as well as procedural factors of mediation conditions, problem-solving, and decision-making – were very similar to the survey questions. Likewise, the constructs of short and long-term outcomes

contained in phases three and four of the model closely matched the survey questions and data produced in the survey.

As Polkinghorn and McDermott (2006) note, the comprehensive model is an example of a one group pre-test, post-test design, with a second post-test as described in Cook and Campbell (Cook, T. D. & Campbell, D. T., 1979). During their EEOC evaluations, the authors collected data about the mediators and the characteristics of the conflict before the start of mediation, and then from both participants and mediators at the completion of individual mediations over a six-month period.

That observations occurred before the mediation intervention, and subsequent observations on the same group of subjects were made post intervention, satisfies those aspects of the pre-post-test model. However, the observations, the intervention, and the anticipated outcome contain numerous variables. The specific relationship between the intervention and the observed outcome was not articulated. As a result, the study is not a test of the presence or absence of causal relationships in the comprehensive model.

The comprehensive model is valuable in that it attempts to identify the relevant factors in a mediation intervention and proposes a temporal relationship between the factors and the anticipated outcome. However, in the absence of specifically defined and measured relationships among variables, the comparison between the data and the model provides only a conceptual map of a complex process.

The comparison does not provide a test of the causal relationships in the model and on examination it appears that the model's complexity, combined with the challenge of operationalizing many of its factors, makes it difficult to construct such a test. However, the comparison does provide limited conceptual support for the model itself: it is dynamic; adaptable to various contexts; readily lends

itself to challenging some existing constructs; and allows for refinement and addition of new constructs.

Elicitive vs. Directive Mediation.

Dispute resolution as practiced by the Alternate Dispute Resolution (ADR) program in DND/CF is primarily a directive approach (Alexander, 2008; Charkoudian, Ritis, Buck & Wilson, 2009). It focuses on the conflict and the potential for a negotiated outcome, leading to signed minutes of settlement as defined in the *Guideline for the Use of Alternative Dispute Resolution Process* (Coates, 2008b; Department of National Defence, 2008). This approach has proven successful in many civilian settings (Goldberg, 2005); however, no significant literature examines its effectiveness in a military environment.

The elicitive approach to conflict resolution is relations-based. Rather than focusing on minutes of settlement it concentrates on participants' perceptions, and the dynamics of conflict. It aims to establish conditions for an agreement to emerge from an enhanced sense of autonomy and a corresponding ability to appreciate the circumstances of the other party to the conflict. (Alexander, 2008; Nabatachi & Bingham 2001; Charkoudian, et al, 2009) Transformative mediation is an elicitive approach employed in civilian settings such as family based conflict, medical malpractice and employment settings (Bingham, 1997; Bush & Folger, 2005; United States Postal Service, 2010) but there are no published reports of its application in a military organizational setting.

Empowerment and recognition are the goals of transformative mediation. Its potential lies in its power to give people control over resolving their own conflicts. Recognition develops when people attend to the situation and can and appreciate the other person's circumstances. Empowerment occurs when in the face of conflict, tension falls and people become more focused and capable of making decisions, leading to an increased sense of situational control. Having

developed empowerment and recognition, people are better equipped to deal with and resolve future conflict. (Nabatachi & Bingham 2001)

On the other hand, the directive or problem-solving tradition places an inordinate value on substantive issues, and consequently devalues the relational dynamics of the individuals who are parties to the conflict (Winslade & Monk, 2001). The goal of the problem-solving approach is to develop an agreement that satisfies the interests or needs of the parties to the conflict, and thereby solves the problem.

Transformative Mediation stands in contrast to the predominantly interest-based approach as practiced within the CMP. Interest-based mediation arises from the positivist tradition, finding a solution to the problem and producing a mediated agreement. Transformative Mediation on the other hand, de-emphasizes the mediation agreement. It aims to fundamentally change the dynamics underlying the conflict using an open-ended questioning style intended to empower the parties to the conflict, thereby enabling them to recognize the others' circumstances. From a position of strength and awareness, the individuals can reverse the negative interactional degeneration, moving instead toward a state of positive constructive connection.

Transformative mediation is not just an approach that differs from directive or interest-based mediation but represents a different culture and set of values. Although both approaches rely on dialogue interest-based mediation takes for granted the existing relational dynamics of influence, power and position. Transformative mediation on the other hand anticipates that significant change in relational dynamics is required in order to empower the parties to envision a new relationship based on mutual understanding.

The overview of high security organizations indicated they shared a predominant set of characteristics related to strong cultures, a preference for predictability in

favour of risk management, and an emphasis on coordination of tasks and function to facilitate process control and outcome resulting in a hierarchal structure that values defined rules, proscribed roles and organizational values. These characteristics stand in contrast to both transformative and interest-based mediation giving rise to the question whether ADR with its behavioural repertoires represents a social technology that may be perceived as alien to high security cultures?

Having established a potential set of constructs to measure the impact of mediation, the focus will now shift to examining the introduction of ADR into DND/CF and the extent to which the organizational development literature can help to explain the process.

Chapter Three

Organization Development Literature

Introduction

This study examines how ADR programs fare when they are initiated in different organizational environments. The introduction of new repertoires is accompanied by new skill and value sets that may not be congruent with the inclinations of the predominant cultures. Comparing and contrasting the varying experiences is an essential part of the examination and the literature on organizational change and development provides the necessary base for the consideration.

The literature reviewed in this chapter examines organizations and how they function starting with an internal focus on their function and structure then moving to forces such as networks, hierarchy and institutionalization arising from the external environment before considering how organizations change and adapt. Organizations form to affect a purpose and the influence of the established organizational goals on the resulting form and structure is the first topic. Moving to an analysis from an external perspective, the next section reviews the impact of resource dependency that can have a significant influence on the type of organizational networks that develop to manage resource and information flow. The manner in which ADR organizations have adapted to and to some degree been institutionalized in the United States public sector provides a recent case in point for comparison to our three Canadian based case studies in HSOs. Finally the process of organizational change is examined in terms of the pace and scale at which it occurs as well as the conditions that are necessary for it to happen.

Comparing Organizations: Form and Structure

CMP, OVO and OCI are all high-security organizations and must respond to internal conflict but they have different goals and methods of pursuing them. What then is the influence of goals and environment on these organizations, and

how have they affected their corresponding structures and functions? How might they differ from each other?

The literature indicates that organizations exist largely to manage collective activity in order to achieve established goals (Perrow, 1961a; Perrow, 1961b; Scott, 2003b; Selznick, 1957; H. Simon, 1964; Thompson & McEwen, 1958). There is a high level of variability within both the external factors of resources, clients, constituents and formal and informal regulators as well as the internal factors of task, technology, and power dynamics (Barley, 1990; Burns & Stalker, 1961; Trist & Bamforth, 1951; Tushman & Nelson, 1990; Tushman & Smith, 2002). The level of external and internal complexity itself is a constraint or contingency. Organizations exist to provide a bounded rationality that delimits the environment, thereby enabling people to establish goals, and assemble and process inputs to produce the outputs for the intended objectives (H. A. Simon, 1946b). Organizations provide the social, psychological and temporal structure that staff need in order to pursue collective action directed to established goals.

Organizational form can be approached from many perspectives and approaches including: task, technology and environment; complexity; organizational actors; and organizational goals (e.g. Scott 2003b). Each approach yields a perspective or way of understanding how organizations develop the structure they exhibit. Although compatible conceptually, each requires a different methodology and as a result, measures a different aspect of the structure.

If we start from a meta-level of analysis, we see variations in the type of systems that organizations demonstrate (Baum, 2002; Scott, 2003b). *Rational* systems exhibit a more formalized structure with standardized procedures, operating in a relatively homogenous environment with a long-term temporal orientation. *Natural* systems demonstrate a more loosely coupled structure that depends more on coordination than prescription and operates within a shorter temporal orientation. *Open* systems characterized by a capacity for dynamic interaction

among a set of elements constantly monitor, evaluate, and respond to inputs from both inside and outside the system boundaries. Structure from the perspective of the meta-analysis is the dependent variable or the consequence of the interaction of such independent variables as environmental complexity, process variability, and temporal orientation.

Shifting the level of analysis down to the elements of task, technology, and environment allows us to examine how individual organizations develop and define tasks in response to technology and the immediate environment in which they operate. Concepts such as *long-linked, mediating and intensive* enable us to understand the impact of technology while *networks, vertical and horizontal integration* allow us to understand the impact of strategy or environmental positioning on resulting organizational structures (Thompson, 1967b).

Concentrating the analysis more intensively on one aspect of the organizational environment, such as complexity, enables us to examine in detail how structure develops in response to that factor. This requires a detailed examination of the task environment and how people, and consequently the organization, manage the continuum from differentiation to integration (Lawrence & Lorsch, 1967). A high level of functional differentiation will result in diversified units within an organizational structure bound by formal processes. A high level of functional integration on the other hand, will be associated with interdependent units bound by coordination.

Employing a continuum of autonomy to interdependence, Dill (Dill, 1958) examined the impact of complexity on task environment to describe the behaviour of staff in various organizational roles. Structure again is a consequence of identifiable independent variables (Chandler, 1962; Mintzberg, 1980). Examining the individual behaviour of actors in organizations points to a third level of analysis. The previous two approaches led us to consider how people as a group, or the organization as a whole, respond to external and

internal forces that in turn lead to a certain structural outcome.

The limitation inherent in both approaches is that they do not address the element of choice. Individual actors are variously responsible for monitoring, evaluating, and guiding organizations (Child J., 1997; Child, 1972). Choices, constrained as they are by a range of external factors, will be made and they do have consequences. The articulation of problems, opportunities or challenges the organization faces will influence the types of goals that are established, and the pursuit of those goals in an environmental context will exert influence on an organization's structure.

Environment is a concept that bears further examination. The types of causal relationships described by Emery and Trist (Emery & Trist, 1965) incorporate the notions of environmental variability in frequency, degree and regularity of change as well as the notion of environmental complexity central to the approaches taken by previous theorists. Rather than relating these factors to the type of structure likely to emerge in the organization because of a particular configuration, they focus on the type of decision-making that organizational actors need to engage in order to manage in the various environments. The environment influences the type of decision-making which in turn, determines outcomes such as structure and performance.

Although Emery and Trist cited two case examples exemplifying the challenge of adapting to the change, they did not attempt to identify the operating variables or a testable hypothesis (Galbraith, 1973). Terreberry (Galbraith, 1973; Terreberry, 1968) hypothesized that external change will determine organizational change and that the organizational capacity to learn will in turn determine the capacity of the system to adapt to the change successfully.

Surveying the range of approaches to understanding organizational technology, environment and structure indicates that no one structure is ideal. The form that

emerges is contingent on a combination of independent variables affecting an organization at any time. The variables will change at some rate and thus the structure will evolve in response to the direction, speed, and intensity of change.

In summary, organizations enable people to identify desired alternative conditions, establish goals and means of realizing the desired condition coordinate collective directed action, and monitor, evaluate and modify the action in pursuit of the desired outcome. The form or structure that develops depends on the interaction of factors such as goals, task, technology, and environment coupled with the impact of strategic decisions and approaches of significant organizational actors. Many variables can affect the organization and its environment at any given time and the organizational forms or structures that develop are contingent on the mix of those variables.

This high-level review of the organization theory literature has established the constructs needed for understanding organizations and provided a range of models for conceptualizing them. Resource dependence and institutional theory will provide a means of explaining the variation in organizational structure and behaviour that occurs in different environments.

Institutionalized Environments

Organizations have a formal system of rules and objectives roughly equivalent to the structure. Structure itself is a tool, a rational instrument designed to secure particular goals and outcomes. Organization as a rational action system has two major components. The first is the function or the action system which can be described as an 'economy' which allocates scarce resources, keeping in mind efficiency and effectiveness, and tends to reflect the technical aspects of the organization. The second is the adaptive social structure that seeks to provide for stable authority, fosters control and consent of the organization's members, and provides inducements to action. Organizations must win the consent of the individuals to participate, and thus can be described as a cooperative system.

Institutionalization is a process organizations undergo, reflecting their distinctive histories and the people who are in it. “To institutionalize is to infuse with value beyond the technical requirements of the task at hand...The test of infusion with value is expandability.” (Selznick, 1957, p. 17) If the organization is merely an instrument, it will be disposable; if it has developed an institutional identity, it will resist change. Self-maintenance reflects the infusion of value.

The type of structure that arises and the way in which it functions reflects a set of values that are inherent organizations and serve to guide both individual and group behaviour. The values they espouse and the manner in which they pursue their respective goals and objectives in large measure define organizations. Values underlie most aspects of what people and organizations choose to engage in. Organizations demonstrate the values they espouse through leadership, goals, morale, productivity, and management of resources, communication, information management, and the list could readily be expanded.

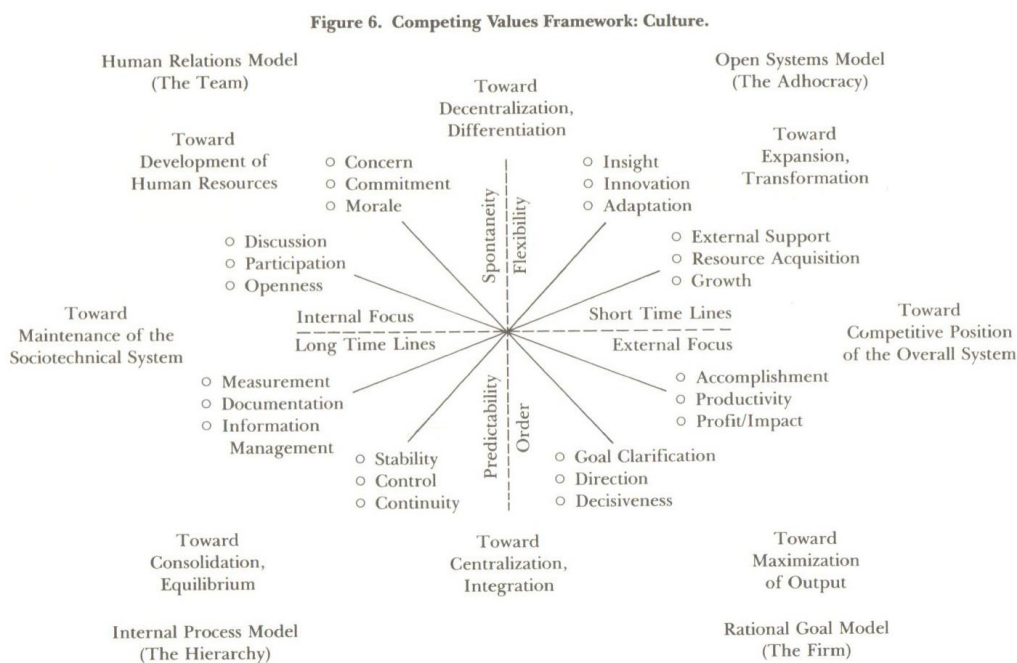
Organizations grouped around similar value sets can also be seen as representing the major traditions taken up in the organizational literature. One approach to grouping values, particularly applicable to this study, is the Competing Values Framework developed initially by Robert Quinn to capture the diversity of organizational values and dynamics (Quinn, 1988). The diversity is evident in his juxtaposition of oppositional value clusters:

Coordination, predictability, control vs. Challenge, variety, stimulation
 Standardization, measurement, objectivity vs. Compensation, recognition, rewards
 Direction, purpose, role clarity vs. Sensitivity, consideration, support
 Productivity, impact, achievement vs. Belonging, teamwork, affiliation

Quinn organized the value clusters along two dimensions of ‘internal versus external focus’ and ‘integration versus differentiation’, leading to four quadrants of rational goal, open systems, human relations/consensual and hierarchy (see

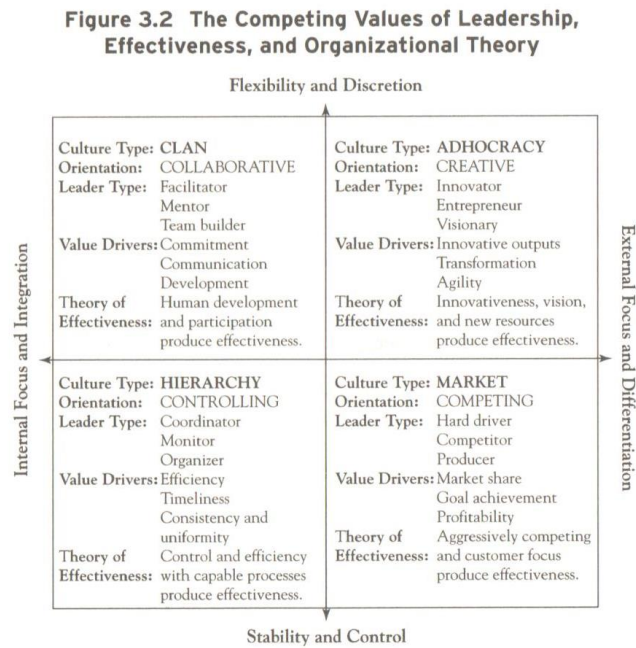
Figure 4, next page). Each quadrant represents a major model of information processing and identifies distinct organizational cultures, value sets, goals, and leadership styles (Quinn 1988,)

Figure 5: Competing Values Framework (Quinn, 1988, p.51)



Quinn (1988) states that organizations do not necessarily fit precisely into any one of the quadrants but each will contain elements in different configurations at different times in their respective life cycle. The quadrants are not exclusive or limited to an academic concept but represent the dominant worldview acted out by the people who populate the organization. Figure 5 (see next page) taken from Cameron and Quinn (2006, p.46) provides examples of potential worldviews relating to effectiveness, leadership, and organizational theory.

Figure 6: Competing Values and Organizational Culture



The Competing Values Framework provides a means of comparing and contrasting organizational characteristics held in common by conflict resolution and high security organizations. At first glance, it would appear that the HSOs in which the conflict arises and subsequently resolved share many of the characteristics of the hierarchy quadrant in the lower left of Figures 4 and 5. Organizations that resolve the conflict, on the other hand, tend to display characteristics of the human relations and clan quadrants in the upper left of the figures. To the extent that competing values are apparent, introducing conflict resolution into HSOs is likely to generate some degree of tension, differences in analytic traditions and conflict in value positions.

Meyer, Rowan, DiMaggio, and Powell examine organizational behaviour and corresponding structure more from the perspective of the forces that tend toward stability and homogeneity than those that emphasize action-oriented dynamics and mechanisms of exchange. (DiMaggio & Powell, 1983; Meyer & Rowan, 1977) (DiMaggio & Powell, 1983; Meyer & Rowan, 1977) (DiMaggio & Powell, 1983; Meyer & Rowan, 1977) This 'new institutional' perspective holds

that organizations will develop formal structures and repertoires which function as myths, a rationalization of technical and social purposes, specify rule-like descriptions of acceptable ways to powerful external actors and norms for pursuing technical objectives beyond their discretion. (Meyer, Scott, & Deal, 1981; Scott & Meyer, 1991) (Meyer, Scott, & Deal, 1981; Scott & Meyer, 1991) (Meyer, Scott, & Deal, 1981; Scott & Meyer, 1991)

Institutionalized organizations arise in the context of the power dominance of local organizations, and the development of complex relational, individual and organizational networks, which coincide with increased collective organization of the environment and increased structure and specification of most aspects of modern society. Organizations – in seeking to reduce turbulence, increase stability and access to resources – become increasingly reliant on ceremonial assessment criteria often based on externally referent credibility and accumulated prestige. Those factors confer legitimacy but also tend to deflect attention away from the technical core and related central concerns with efficiency.

In the institutional perspective, the dynamic tension between the external forces of institutionalization and the compelling internal forces of the technical core results in a decoupling of the technical core into a relational network that coordinates and controls resource allocation and management, and buffers it from external scrutiny. Institutionalized structures and formats based on premises about the availability, and distribution of resources remain viable to the extent those premises remain valid. Because the technical core is directly connected to the resource base, its viability will be more sensitive to resource-based changes. The available organizational slack will provide a temporary buffer from shifts in the resource base, but once the impact of the shift approaches the limits of slack, institutions will begin to either adapt to changes or risk failure. So, as long as the resource-based premises underlying the institutionalized structure remain valid, its capacity to provide stability and access to resources will tend to give it predominance. Once the premises move

toward unsustainability, the forces in the technical core tend to predominate.

Staying at the same level of analysis as market and institutionalized hierarchy, networks offer another means of analyzing organizational behaviour. Markets and hierarchies are well suited to describing behaviour in environments that rely heavily on transactions related to input and output resources central to the technical core. In market conditions, competitive, self-interested organizations focus on the short term and rely on spontaneous, price-sensitive transactions to coordinate and control the flow of resources. In hierarchical institutional conditions, the dominance of powerful organizations reinforce collaboration, pursuing a long-term view of stability through rule-based agreements and contracts that are intended to produce stability and sustained access to resources.

Markets, institutionalized hierarchies, and networks describe different types of environments. Markets are particularly well suited to short term, price sensitive transactions involving similarly valued commodities. Hierarchies tend to describe long-term structures involving either information or resource-based transactions involving commodities whose intrinsic value is not readily discernible, and networks focus on medium-term concentrations of information-based transactions whose value is inherently difficult to determine.

In examining the institutionalization of ADR in the United States government, Nabatchi (2007) posits five strategic actions organizations may take in response to the pressures of resource dependency and institutionalization. The first is acquiescence or adherence to organizational norms, values, and organizational requirements, sometimes associated with imitating institutional models. Compromise, the second choice, can balance external expectations, sometimes because of negotiated agreements. Avoidance requires the organization to conceal its nonconformity by decoupling or loosening its attachments. Defiance involves open confrontation that can involve challenging the rules of behaviour or attacking the sources of institutional pressure. The fifth choice is manipulation

involving co-optation or attempts to control and manage institutional pressures. (Nabatchi, 2007)

The level of agreement with the institutional objectives is the first factor that Nabatchi contends will influence organizational response to institutional pressures. High agreement will be associated with high levels of compliance. Power is the second factor and is usually associated with the force of law or government mandate. The third factor is a function of the diffusion of institutional pressures across the organizational field, with higher levels of voluntary diffusion being associated with imitative structure and function. Either highly uncertain or highly interconnected environments will tend to exhibit acquiescence or compromise. Fragmented or competitive environments will tend to produce avoidance, defiance, or manipulation.

The literature on resource dependence, networks, and institutionalized environments establishes the constructs needed to identify and describe the relationships that develop within and between organizations. Each theoretical approach allows us to describe a particular environmental context and to examine the range of behavioural responses observed within that context.

Behavioural responses and structural adaptation indicate various levels of organizational change. Change is inherent within each approach; it is largely taken for granted or assumed to be operating in the background. That raises several questions, including, what prompts organizations to change, what factors influence the nature and direction of the change and how does that occur?

Dimensions of Organizational Change

Not only did the three case study organizations form an integral part of the significant organizational change that accompanied their introduction into the host organizations, they also undertook substantial internal adjustments that altered the course of their future development. The Greenwood and Hennings

(1996) model of organizational change will provide a basis on which to examine the experience of change in these three settings.

Institutional theory is concerned with similarity and stability of organizations in broader organizational fields and the related dynamic of response to change as characterized by the contrast between radical or large scale, and convergent or incremental change. Greenwood and Hennings (1996) present the concept of response to change along the two dimensions of scale and pacing. The *scale* of change can vary from convergent or incremental to radical, which represents a quantum change. *Pacing* describes slow change as evolutionary and fast-paced change as revolutionary. The authors attempt to link the pace and scale of change in organizations using three underlying principles of:

1. Normative embeddedness in organizational fields leads to resistance to change;
2. Radical change varies with tightness of coupling in insulated fields and;
3. Pace of radical change varies with internal organizational dynamics.

‘Normative embeddedness’, which is associated with resistance to change, can also be subject to fragmentation. In the public sector, this tends to occur in one of three contexts. In the first context ‘performance’ problems and related shifts in power dynamics create space for political discord. This discord, along with shifting resource/environment conditions, creates dissonance in signals regarding the need to change the organizational archetype. The second context is that of increasing diversity of disciplines within traditional job and task specialties, which challenge accepted norms of practice, put pressure on the status quo and indifferent value commitments, and lead to increasing structural differentiation. The third context involves exposure to resource/environmental shock that tends to destabilize the organization, increasing interest dissatisfaction and disrupting the traditional power dependencies, value commitments and capacity for action.

The combination of precipitating and enabling dynamics determine the rate and pace of change. Within precipitating dynamics, interest dissatisfaction and value commitments are central driving forces in the model for individual organization change. Interest dissatisfaction describes a perceived imbalance of resource allocation and when present, will lead to pressure for new arrangements and more optimal resource allocation. Enabling dynamics or the ability to effect change in organizations, is also a function of its power dependencies or its relevant power position in that field. Dominant power coalitions favouring the status quo or indifferent commitment will tend to thwart change. However, factors such as resource dependencies can cause shifts in the environment leading to new power dependencies with interests in alternative organizational templates.

Capacity for action, the second enabling dynamic, is a function of the extent to which members of the organization have the requisite skills to operate in the new environment, and the leadership and ability to make the transition from the current to the new state. Organizational experience and receptiveness to change are also factors that can enhance or reduce the capacity for action. Organizations with current successful experience with change are more likely to embrace further change efforts. Taking into account both, precipitating and enabling dynamics would lead to the conclusion that the necessary conditions for radical change include:

1. Sufficient interest dissatisfaction;
2. Competitive or reformative value commitments;
3. Enabling pattern of power dependencies; and
4. Sufficient enabling capacity for action.

The Greenwood and Hennings model for understanding response to change has several advantages in the study of implementing conflict resolution in high-security organizations. First, it identifies several factors that influence the response process and attempts to define the way they interact in varying conditions. Secondly, it accounts for the influence of institutionalization and internal program dynamics. The model provides a

platform upon which to base the study of change resulting from the introduction of conflict resolution in the OCI, OVO, and DND/CF presented in chapters 6, 7 and 8.

Summary

This chapter has provided a high-level review of the literature on organizations and on organizational change and development, with a view to informing an analytic framework that links the challenge of introducing new repertoires and sensibilities associated with elicitive dispute resolution techniques into established organizations that in the case of this study comprise high-security organizations. The examination of organizational development, institutionalized environments, and change in the organizational development literature indicates potential for understanding a range of organizational behaviour, but also raises a concern about how such a broad range integrates into an understandable whole.

The next chapter will begin to integrate the literature and the research questions into an analytic framework.

Chapter Four

Analytic Framework

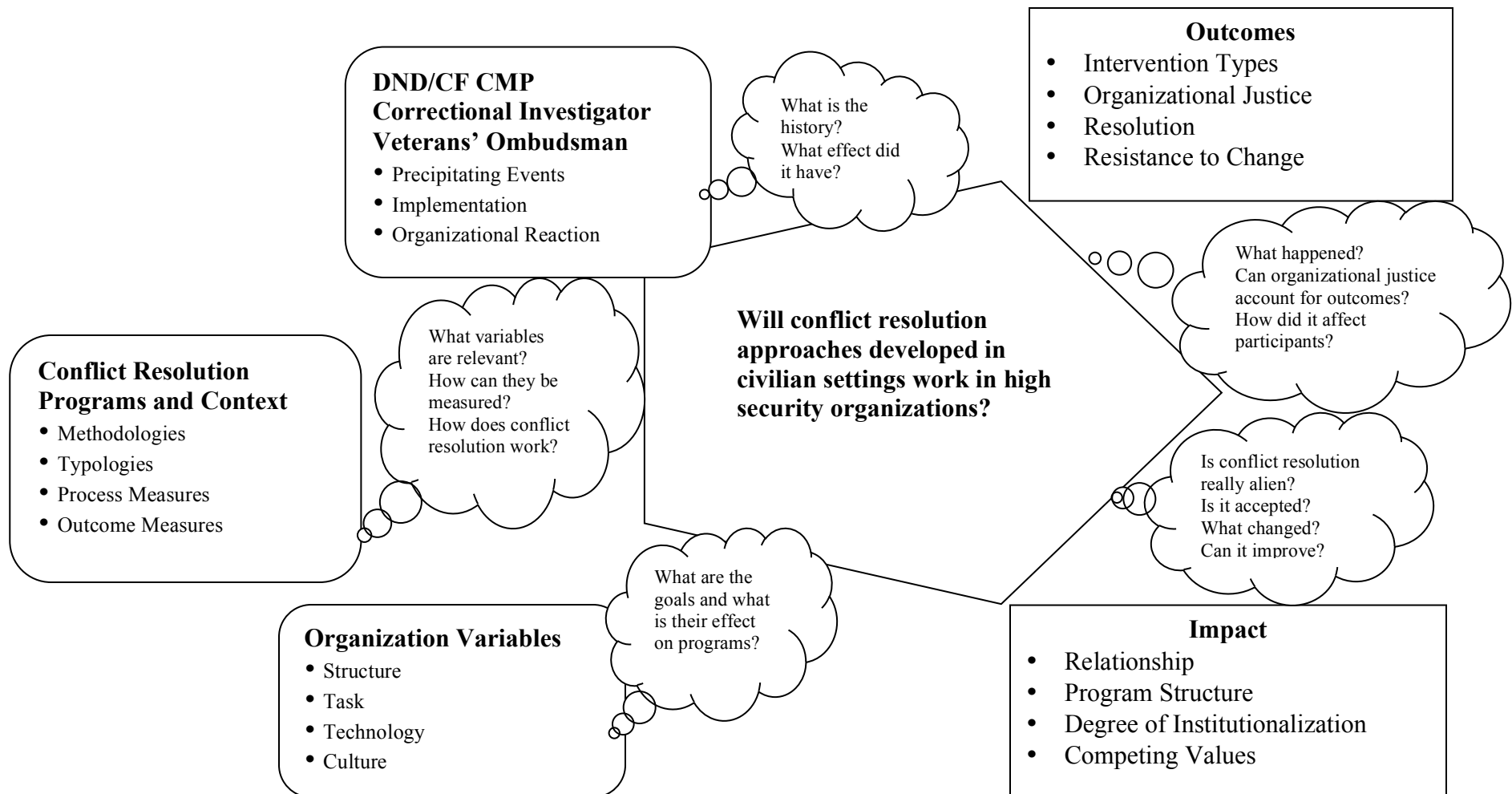
Introduction

The diversity of organizations and operational environments examined in this study, combined with the range of relevant literature that is considered, requires a means of integrating them into a coherent analytic framework that can inform and guide the research process. This chapter provides an overview of the relationship between the objectives of the study, the operational environments and the primary concepts arising from the literature review. It sketches a broad picture of how each component contributes to the overall approach.

Analytic Framework

This review of organization literature, and conflict resolution, has led to the identification of three pillars high security organizations, conflict resolution and organization development that shaped the direction of this research. The analytic framework aligns the research questions with their relevant data sources and sets them in a timeline that depicts the analytic flow. The framework that appears in Figure 7 incorporates the information clusters that were presented in Figure 2, Chapter one into the research questions that drive the study. The specific programs their social technology and organizational contexts are oriented around the diamond shaped question about whether or not interest based and elicitive conflict resolution can work in high security organizations. They represent the initial stages in the analytic flow needed to understand the phenomenon and how it bears on the central question. The outcomes and corresponding impact represent the later analytic stages that assess what happened, the application of organizational justice constructs, their effect on the participants and the host organization and set the stage for looking to the future and the broader implications of the study.

Figure 7: Conceptual Framework



Chapter Five

Methodology

Introduction

The purpose of this chapter is to describe the approach taken to the dissertation and the methodology selected to conduct the research. The chapter begins with a brief discussion of the ontological and epistemological grounds underlying the research design and applied methods. Those grounds are reinforced by consideration of integral theory intended to provide a context for exploring the characteristics of different types of data. It provides a comprehensive overview of individual and collective behaviour and establishes the basis for incorporating the concept of relationship in conflict resolution. The discussion then leads into an explanation of the population and sample chosen, the sources of data, as well as the instruments and the procedures used to apply them. Concerns arising from the methodological approach presented and discussed in the next section conclude with a research overview linking the research questions with corresponding data sources and analytic techniques applied.

Research Approach

Ultimately the methodology that is developed reflects the researcher's ontological and epistemological perspectives. The ontological argument engages the theory of the nature of being and the researcher's understanding of what is real. The ontological perspective of this researcher holds that

...social phenomena exist not only in the mind but also in the objective world – and that some lawful and reasonably stable relationships are to be found among them. The lawfulness comes from the regularities and sequences that link together phenomena. From these patterns we can derive constructs that underlie individual and social life. The fact that most of those constructs are invisible to the human eye does not make them invalid. (Miles & Huberman, 1994)

The debate between realists and interpretivists capture the well-known epistemological arguments about what we claim to know and how we claim to know it. A significant portion of that debate taken up by claims of mutual exclusivity unfortunately result in a

misplaced focus on methods. This researcher has taken a critical realist approach to the underlying epistemology that first involves determining the questions and then selecting the most appropriate methods to capture the data needed to answer the questions (Morgan, 1997a; Shadish, Cook, & Leviton, 1995).

Relation of Integral Theory to Conflict Resolution

Proponents of Integral theory hold that all human experience and ways of knowing can be captured by a two-by-two matrix with four quadrants (Table 2). The quadrants divide first into the two levels of the individual on the upper level and on communal or collective experience on the lower level. The upper level can be subdivided into a left quadrant of interior or subjective nature of experience characterized by its intentional aspects and a right quadrant of behavioural or directly observable aspects of experience. The lower level is subdivided into a left quadrant of the culture in which the individual develops a world-view and the right quadrant represents the social system in which the culture operates. (Wilber, 1997; Wilber, 2000; Wilber, 2001)

The left side of the matrix containing the intentional and cultural dimensions of experience represents the interior or subjective aspects of experience not directly observable in an objective fashion. The upper left intentional quadrant refers to the individual experiences across the range of sensation, perception, and emotion. The lower left cultural worldview quadrant refers to the beliefs, values, and aspirations commonly held by members of that cultural reference group. Taken together they represent the interior subjective nature of experience.

The right-hand side of the matrix, containing the upper right quadrant of the behavioural aspects of individual experience together with the lower right quadrant of the social system, represents the exterior aspects of human experience that can be directly observed, described and quantified. The individual level in the upper right quadrant is represented by choices, actions and outcomes that can be quantified and observed, while the lower right quadrant is represented by the social system as defined and examined on various levels such as groups, families, tribes, provinces and states.

Each quadrant contains a developmental trajectory of identifiable steps corresponding to developmental levels in the three other quadrants. The model is intended to be applied at any level of experience and can be used to determine the stage of development of the organism and the range of potential expression or behaviour that is likely to be associated with that level. Integral theory holds that in order to understand human experience it is necessary to examine it from the perspective of all four quadrants.

Table 3: Full Spectrum Approach to Human Experience (Wilber 2000)

	Interior	Exterior
Individual	Intentional <i>truthfulness</i>	Behavioural <i>truth</i>
Communal Collective	Cultural (World View) <i>justness</i>	Social (System) <i>functional fit</i>

Examining subjective, inter-subjective and positivist forms of data raises the challenge of reconciling competing validity claims, a question examined by many authors in research methods and the philosophy of science (Guba & Lincoln, 1989; Morgan, 1997b; Patton M.Q., 1990; Patton, 2008; Shadish, Cook, & Campbell, 2002). Integral theory holds that research in each quadrant is seeking a different kind of truth or validity claim. Truth as determined by the extent to which the data accurately represents the observed phenomena is the basis for objectively evaluating knowledge acquisition in the upper right quadrant of the individual exterior. Truthfulness or sincerity, the extent to which the observer and the knowledge can be trusted represents the subjective criteria for evaluating knowledge in the upper left quadrant of the individual interior. The lower right quadrant of social systems represents truth inter-objectively determined by the functional fit or the extent to

which the components of the system fit or mesh to form a functional whole. The cultural worldview of the lower left quadrant evaluates knowledge inter-subjectively in terms of justness, or the extent to which the subjective realities are compatible with each other as determined by mutual understanding.

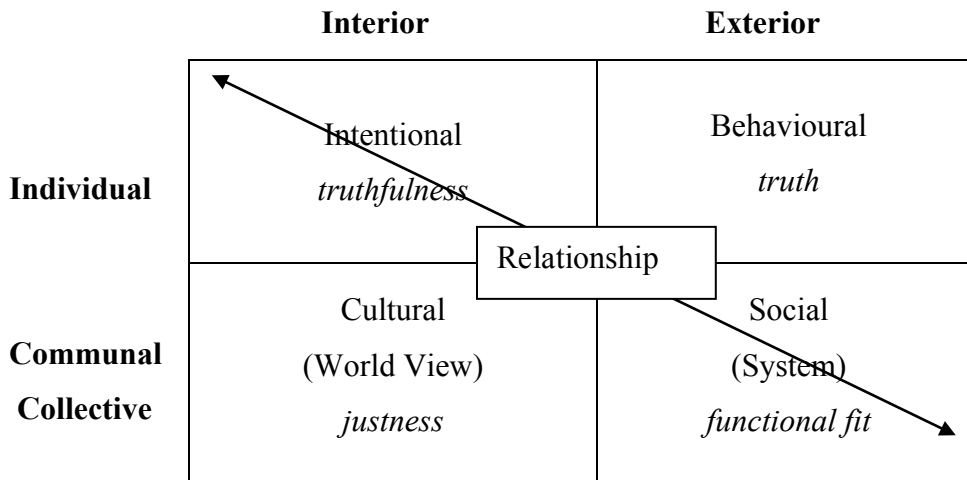
Viewed from the perspective of integral theory (Wilber 2000), conflict management has two levels of the individual and the communal or collective, of which the individual is a member. The subjective experience of perceptions, impulses, and emotions denotes the individual level, the interior, intentional dimension. The external and directly observable behavioural dimension represents the objective experience of observation. The individual does not exist in isolation but as part of the immediate reference point of the collective and as a part of the larger society. The culture of which the individual is a member signifies the interior dimension of the communal or collective level. The culture imparts meaning and values, which in turn shape the individual worldview. Culture itself has an exterior dimension expressed in the objectively observable social system that includes the institutions, written codes and patterns that form the structure within which the individual functions as a member of the culture.

Role of Relationship in Conflict Resolution

Although relationship plays a fundamental role in conflict, it is not conceptualized as a discrete factor in conflict management nor is its effect on the process measured. Integral theory provides an ideal platform to position relationship in the process and develop an exploratory measure of its potential impact. Conflict resolution as practiced by the CMP in DND/CF is primarily a directive approach based on the exterior dimensions of behavioural and social systems, and although it has proven successful in many civilian settings (Goldberg, 2005; Polkinghorn & McDermot, 2006), no significant literature examines its effectiveness in a military environment. The nature of military service (Brunet, Akerib, & Birmes, 2007; Marin, 2001; Richardson, D.J. Darte, K. Grenier, S. English, A. Sharpe, J. 2008) suggests it may not always be the optimal approach in a military environment that depends heavily on relationships (Coates, 2008b) capable of reliably sustaining significant pressure (MacIntyre, 2008). Relationship represented in the

left side of the full-spectrum approach becomes an important factor to consider in resolving conflict.

Table 4: Relationship as a Function of the Full Spectrum Approach
(Adapted from Wilber 2000)



Relationships can be viewed as a function along the diagonal represented in Table 3. The negative conflict spiral described by Bush & Folger (2005) takes place in the realm of an individual's perception of events as represented in the upper left quadrant and the upper left end of the relationship arrow. As the individual develops a sense of empowerment and a corresponding capacity to recognize and acknowledge the circumstances of the other, they move along the relationship arrow from the individual interior to the exterior collective or social realm of the lower right quadrant. Recognition based on constructive connection with the other takes place at the right end of the relationship arrow in the transformation of individual perception and in the observable behaviour of the parties working toward understanding acceptance and agreement.

Although the validity claim inherent in each method deals with a different kind of knowledge, the three tenets of *Injunction*, *Apprehension*, and *Confirmation* provide a common basis for evaluation. The *injunction* generally presented in the form of a method or practice states "If you want to know this, do this." Each method has its procedures and those procedures are open to the scrutiny of knowledgeable practitioners. The practice will bring forth a particular type of data domain or evidence represented by

apprehension, the second strand in the accumulation of knowledge. The data or apprehension is then subject to *confirmation*. It is tested or examined and either falsified or confirmed by the community of those who have practiced the first two strands of injunction and apprehension. (Wilber, 2000)

The research questions underlying this dissertation encompass both qualitative and quantitative data and as a result will require the application of correspondingly different methods to collect, analyze and report on the data. The application of mixed methods supported as a valid approach allows for a combination of quantitative and qualitative observations to triangulate data in order to increase confidence in the observations and conclusions that may be drawn (Scriven, 2008).

Research Design

This dissertation employs many aspects of the case study design chosen because it is most appropriate for close examination of a specific situation and it enables the researcher to explore, interpret, and understand how a program operates. Case study design employs a combination of qualitative and quantitative data including examining background literature describing history and events leading up to formation, descriptions of operations, interviews with managers, and the perceptions and experience of participants. (Cresswell, 1994; McDavid, Huse, & Hawthorn, 2006; Patton M.Q., 1990; Stake, 1995; Yin, 1994)

The classical case study design tends to be limited to the intensive exploration of one program, but the research approach and conceptual models employed in this study incorporate a comparative analysis that requires the examination of what was done in other similar settings. To that end, the study expanded to include an analysis of similar services in Office of the Veterans Ombudsman and Office of the Correctional Investigator. The analysis employed the same questions for interviews with staff members at similar levels in the comparative organizations, thereby allowing for comparison of similarities and differences in start-up circumstances, program design, operation and overall impact from the program managers' perspective.

The application of integral theory to the study of conflict resolution indicated the value of seeking data from all the quadrants representing the full range of human experience. The research design also incorporates a variety of quantitative data displayed in Table 5 presenting the relationship between the relevant research question (injunction) and the data source (apprehension), the analytic technique (confirmation) and their location in the dissertation. The first quantitative data type intended to describe the profile of mediation practitioners, probes aspects of their orientation to the conflict resolution process. The second type gathers practitioners' assessment and evaluation of the impact of observable behaviours on mediation outcomes. The final type measures how mediation participants perceive and rate various aspects of the mediation process, its outcomes, and their impact on future working relationships.

Interview and Survey Procedures

The complexity of conflict management, combined with the fact that the environment is not well documented in the public literature, makes the observations and experiences of those who are responsible for leading, developing, and managing the services critical to developing an understanding of the environment. This section will describe the procedures used in preparing for, seeking informed consent and conducting the organizational development interviews in each of the three subject organizational settings. Interviews with subject matter experts from DND/CF, who have had extensive experience in developing and managing the CMP, as well as in the Veterans Ombudsman and Correctional Investigator offices, who have had similar experience, provide the first stream of data in this study.

**Table 5:
Overview of Research Questions, Data Sources, Analytic Techniques and Location**

Research Question	Data Source	Analytic Technique
1. How were the DND/CF CMP, OCI and OVO formed, introduced and implemented, and how was that influenced by principles of organizational change? Determine structure and operation	DND/CF, OCI, OVO Documents	Descriptive Summary
	Interview Question 1 (N=22)	Computer assisted interpretative analysis (HyperTRANSCRIBE and HyperRESEARCH)
2. What goals have been established? How do they influence the structure and operation of the programs?	Interview Questions 2, 3, 4 (N=22)	Computer assisted interpretative analysis
3. How does organizational culture affect the program? How does culture affect the DND/CF, OCI, and OVO reaction to their implementation?	Interview Question 5. (N=22)	Computer assisted interpretative analysis
4. To what extent has the CMP, OCI, OVO become institutionalized in their respective environments?	Interview Questions 6, 7, 8, 9, 10 (N=22)	Computer assisted interpretative analysis
What conflict resolution style is practiced within CMP?	Mediation Style Survey (N= 20)	Descriptive Statistical Analysis (Data Desk and SPSS)
What participant behaviours affect mediation outcomes?	Mediator Assessment Survey (N= 46)	Descriptive Statistical Analysis
What mediator behaviours affect mediation outcomes?	Mediator Assessment Survey (N= 46)	Descriptive Statistical Analysis
What can be done to improve the CMP?	Mediator Assessment Survey (N= 46)	Descriptive Statistical Analysis
What are the mediation outcomes?	Parties to Mediation Survey (N= 67)	Parties' Demographic Analysis Descriptive Statistics Construct Reliability Assessment Linear Regression
5. How does the DND/CF CMP compare to other federal dispute/complaint resolution offices?	OVO, OCI Interview Questions 1- 10 (N=22)	Computer assisted interpretative analysis

Senior level managers responsible for service delivery in all three organizations were invited to participate in the interviews. Semi-structured interviews enable the researcher to cover those subjects likely to be crucial to a comprehensive understanding of the work structure and the processes, while at the same time providing the latitude to explore emerging issues arising from the interviews. Specific statements regarding confidentiality, privacy and protection of data provided in the Letter of Information accompanied the Consent form provided in both English and French to participants before the start of the interviews (Appendix D).

Seventeen subject matter experts in the DND/CF program comprised the non-probability purposive sample of candidates. One person who had agreed to and completed the interview later requested their interview be omitted from the study, and all data from that person was destroyed. All three of the senior managers in each of the Veteran's Ombudsman and Correctional Investigator offices who received invitations agreed to be interviewed. The final sample included data from 22 interviews, conducted in English in the offices of DND/CF, OVO, and OCI.

The purposive sample of mediation practitioners providing services in all of the Dispute Resolution Centres in the DND/CF provided the second stream of data related to mediation style. Specific statements regarding confidentiality, privacy and protection of data were provided in the Letter of Information and accompanying Consent form in both English and French prior to the administration (Appendix A). The survey employed structured statements reflecting the degree of mediator style along the elicitive – directive continuum to measure the baseline perception of mediator style across the service.

Mediation practitioners also provided the third stream of data through the mediation assessment survey conducted in both English and French with the same non-probability purposive sample employed in the mediation-style survey. Specific statements regarding confidentiality, privacy and protection of data were provided in the Letter of Information and accompanying consent form that were also provided to mediation practitioners in both English and French prior to the administration (Appendix B). The mediation

assessment intended to describe specific behaviours exhibited by parties to mediation as well as mediators, enabled a comparison of the extent to which those behaviours may be related to successful conflict resolution. Mediation practitioners submitted 46 completed surveys representing 46 different mediation interventions.

A non-probability convenience sample of those DND/CF members and employees who participated in mediation provided the fourth data stream. Specific statements regarding confidentiality, privacy and protection of data were provided in the Letter of Information and accompanying Consent form in both English and French that were also given to parties to mediation prior to the administration (Appendix C). The survey intended to examine constructs such as preparation, participation, agreement, compliance, and satisfaction with the mediation service will document outcomes and provide an indication of how respondents rate individual mediations as well how the service overall is perceived. The parties to mediation submitted 67 completed surveys that represent 48 separate mediation interventions.

Organization assessment interviews.

The Organizational Assessment interviews were held in the office of the Director General Alternate Dispute Resolution (DGADR) responsible for managing and delivering the Conflict Management Program in the Department of National Defence and the Canadian Forces (DND/CF) as well as the offices of the Veterans Ombudsman and the Correctional Investigator. In all three cases, interviewees received a Letter of Information, Letter of Consent, and a copy of the interview questions before the interview began (Appendix D).

Three functional groups represent major divisions in each organization:

- Executive (EX) – strategic direction, organizational design, external relations;
- Policy and Administration (PA) – policy development and senior administration;
and
- Operations (Ops) – supervision and delivery of direct services to clients.

The interviews were organized around ten questions that explored the topics areas: organizational history and development; goals, functions and structure; organizational

culture; and institutionalization. All interviews were taped in digital audio format with the permission of the interviewees and the digital audiotapes were transcribed using the HyperTRANSCRIBE AND HyperRESEARCH software into text files used to conduct qualitative thematic analysis.

The draft questions that follow in Table 6 probe more deeply into the concepts that underlie the ‘Model for Understanding Organizational Change’ in Figure 6. The data emerging from this phase of the study provided a comprehensive examination of the social systems quadrant that appears in Table 2 on the ‘Full Spectrum Approach to the Human Experience’.

Mediator Style survey.

Each mediator received a Letter of Information and a Consent Form in both English and French before the survey’s release. Following the release, each mediator was assigned a unique code number that enabled tracking responses on the basis of one of three regions nationally as well as by individual DRC in each region. To ensure mediator confidentiality the codes were assigned by the DGADR corporate office, the lists of codes and mediator names were kept separately in confidential files that the researcher did not have access to. The researcher received a list of the 52 assigned codes without names so that it was impossible to identify any individual mediator. (Appendix A).

Mediators were asked at the start of the data collection period to complete the survey on one occasion only. During data collection, it became apparent that not all of the mediators with assigned numbers provided any direct mediation services. Numbers assigned to non-practicing mediators were subsequently eliminated from the list and not included in the sample. The most reasonable estimate of the actual number of mediators delivering direct mediation services during the data collection process indicates that the population was closer to 42 indicating a 48% response rate.

Both structured and open-ended questions were employed in the survey examining the degree of mediator style along the elicitive – directive continuum. The results provide a

Table 6:**Relation of Organization Development to Research Objectives**

<i>Research Objective</i>	<i>Research Question</i>	<i>Interview Question</i>
1. Determine structure and operation	1. How were the offices formed, introduced and implemented, and how was that influenced by principles of organizational change?	1. Please describe the history of how this office came into being, citing any significant events that may have played a part in its formation.
2. Determine goals task and technology	2. What goals have been established for the program? How do they influence the structure and operation of the programs?	2. Please describe the terms of reference for this office including the nature of its mandate, the authority the office holds, and its reporting and accountability mechanisms.
		3. What functions does the office perform? How does the office structure enhance or detract from its ability to carry out those functions?
3. Examine resource dependency		4. What are the major obstacles or challenges the office faces? How does the office respond to those obstacles or challenges?
4. Examine impact of organizational culture	3. How does organizational culture affect the program? How does culture affect the reaction to their implementation?	5. How has the larger organizational environment responded or reacted to the implementation of this office?
5. Assess resource dependency and institutionalization	4. How has the CMP become institutionalized in the CF?	6. What have been the major accomplishments of the office?
		7. If you could change any aspect of the office or its environment, what would you change?
		8. To what extent has the office documented its policy and procedures?
		9. How are they developed and how are they maintained? To what extent are they applied in daily operations?
		10. What resources does the office have at its disposal? To what extent do the resources match the requirements?
		11. Are there any issues that are in your view significant that have not been covered in these questions?

measure of how individual mediators rate themselves. This survey is based on the original developed by Krivis and McAdoo (1997) and the 645 cases forming the basis of subsequent modifications made by McDermott & Obar (2004). Following consultations with the dissertation committee and the DND/CF sponsor, the demographic section of the original draft version expanded from six to ten items, and the number of style-related questions dropped from twenty-five to twelve.

Mediator assessment survey.

Before releasing the survey, each mediator received with a Letter of Information and a Consent Form in both English and French. The mediator assessment survey was available to the mediator following the completion of the mediation. This survey was based on the instrument developed by McDermott, Obar, Jose and Polkinghorn (2001) that included 2,062 mediations. It examined what conduct the mediator believed contributed to resolution as well as that which may have interfered with successful resolution of the conflict. The results described specific mediator behaviours and enabled a comparison of the extent to which evaluative or facilitative mediator behaviours related to successful resolution of conflicts.

Mediators were asked to enter two coded numbers on each survey questionnaire, the first of which was the unique mediator number that had been assigned to each mediator, and which was also entered on the mediation style survey. The second code entitled Questionnaire Number had four parts. Part 1 and 2 identify first the region and then the DRC where the mediation took place. Part 3 identified the role of the respondent as mediator. Part 4 assigned a unique number indicating where this particular mediation appeared in the sequence of mediations conducted in the DRC. Each DRC received a list of pre-set codes that mediators used to select the appropriate questionnaire number that identified the mediator as respondent and the sequential order of the mediation.

Mediators selected a corresponding three-part questionnaire number they entered on the questionnaires provided to the parties to mediation. Parts 1 and 3 of the code would be identical to those entered in the mediator assessment questionnaire. Part 1 identified the

same DRC where the mediation took place, and part two contained the same mediation sequence number. Part 3 was unique to each of the parties to mediation questionnaires and identified the respondent as either Party A or Party B. Parts 1 and 3 of the code provided a link to the mediation assessment questionnaire, and Part 2 identified the questionnaire as being unique to that particular respondent. In this way, the anonymous observations of mediators and the perceptions of parties to mediation would align on a case-by-case basis. The Letter of Information, Consent Form and a copy of the Mediator Assessment Survey appear in Appendix B.

Parties to mediation survey.

Mediators received instructions to provide each party with a Letter of Information and a Consent Form in both English and French at the conclusion of mediation. The survey instrument as it appears in Appendix C includes the questions related to the constructs in the model as well as the demographic questions that define the participant characteristics. Although intended to elicit data from the four quadrants of integral theory, they were the strongest in the exterior quadrants of behaviour and social systems. They probed to some extent the participants' interior cultural or worldview but cannot address the individual's interior / intentional perspective.

The questions were designed to examine respondents' perceptions of the intervention and the outcome as defined by the constructs of distributive, procedural-process, procedural-mediator, informational, interpersonal disputant-disputant, and interpersonal disputant - mediator justice that are portrayed in the Conflict Resolution Intervention Logic Model. The survey contains "yes – no" questions, five point Likert-type scales, and open-ended questions asking the respondents' opinion.

Methodological Issues

The pursuit of knowledge is constrained by a number of significant factors that limit our awareness of the phenomena we are interested in exploring as well as our ability to describe, assess and ultimately understand what we perceive. Although research design intends to assist in identifying potential challenges, it is necessarily incomplete. To the

extent that we can anticipate some of those challenges, we can take steps to mitigate their impact on our ability to understand. This section will identify known challenges in this study and describe the anticipated response to them.

Qualitative methods.

The terms “quantitative and qualitative” generally refer to the two major epistemological approaches to research and the development of knowledge. (Cresswell, 1994). Quantitative methodology is best suited to exploring areas where relevant concepts are well understood and the variables that are associated with the phenomenon of interest have been developed and specified. The specification of concepts and variables allows the researcher to develop hypotheses that describe the interaction of the variables, leading to a prediction of the expected outcome under certain specified conditions. (Patton, 1990)

Qualitative methodology on the other hand, does not rely on predetermined categories but employs semi or unstructured methods intended to allow important themes and categories to arise from the data, as it is collected and analyzed. Qualitative methodology is best suited to exploring areas not previously intensively studied and as a result not necessarily well understood.

Before the formation of the Ombudsman and the DGADR, no institution provided a similar function within the CF, and as a result, the history and documentation of the activities and impacts of the office are very limited. The variables are not specified and there are no tested reliable instruments available that would enable the current study to empirically measure the phenomenon of interest. This combination of a unique and recently formed organization with a lack of established literature makes this an appropriate situation for the application of qualitative methodology.

Bias.

The researcher in a qualitative study needs to engage with the people, materials and places that form the phenomenon under examination. To facilitate engagement, the

researcher may on occasion need to present aspects of self that are pertinent to the situation at hand. People relate to people, and researchers are human.

Getting close to the subject in this manner presents significant challenges for the researcher who needs to be able separate him/herself from the setting, and yet engage in a rational and dispassionate analysis of the nature of the experience and the data that is an inherent part of that experience. The researcher is constantly moving between two worlds, that of the experiential nature of the environment and the people in it and the analytical, evaluative world of making sense of the experience.

Nobody is free from predetermined views or opinions. However, to the extent the researcher is aware of those views and predispositions they can be watchful for their possible intrusion into the evaluative function of the research, and mitigate that intrusion. In addition, the researcher can also take advantage of the disengaged perspective of colleagues, academic supervisors and others who may assist them to maintain an optimal balance of observant engagement.

Triangulation.

There are many opinions expressed in the literature about the concept of triangulation. Grant and Fine (1992) as cited in Cresswell (1994) describe instances of successfully mixing ethnographic and experimental research by combining qualitative observation and survey research. Green, Caracelli & Graham (1989) as cited in Cresswell (1994), explain that triangulation can be used in the classic sense of: seeking convergence of results; in attempting to discover different facets of a phenomenon; and during early research where contradictions and fresh perspectives may emerge. This study will explore relatively uncharted territory, and there is a need to identify its different aspects. As those aspects were identified, the data may very well indicate initial contradictions that had to be reconciled, with analysis that moves toward a convergence of the results.

Triangulation was employed in several ways. The DGADR data was collected from all segments of the organization involved in conflict resolution including the executive,

policy analysis and operations functions, as well as the parties to mediation who are the recipients of the conflict resolution services that are provided. The data include qualitative responses to semi-structured interviews, as well as responses to both open and closed ended questions administered in survey form. The semi-structured interviews occur in all three organizations thereby providing a means of comparing and contrasting responses. Triangulation was a guiding principle in the analysis supporting the objective of identifying ideas and observations that being strongly supported in more than one source will develop into themes that provide the basis for understanding.

Validity.

The researcher working in settings in which there are few or no relevant available instruments has three primary concerns regarding validity. The first concern hinges on construct validity or the extent to which the constructs are well grounded in the context within which the study is being conducted. The second concern is to ensure the account is based on data that are complete, thorough and likely to provide an accurate description of the situation being examined. The final challenge is to ensure that the account faithfully resonates with the undisturbed experience of those who live and work in the environment (Miles & Huberman, 1994). From an internal or case-specific perspective, the accuracy of representation is of greatest concern. From an external or general perspective, the extent to which the case-specific explanation can be compared across groups is most significant.

Qualitative approaches have two significant threats to validity. The first arises from the active engagement of the researcher with the subject of study and the second emerges from the absence of a controlled environment in which all of the relevant variables have been defined and competing explanations for the outcome have been reconciled. The first threat can be partly mitigated by the researcher stating a priori their potential bias or interest in the area, and then by continually checking with informants, participants and disinterested parties for indications of the presence of bias. In addition to regular reference checks, as the categories and themes of the study emerge from the analysis,

they can be presented to informants who, on the basis of their knowledge and experience with the subject, can attest to their accuracy.

The second threat can be addressed first through triangulation of data sources and methods of data collection. Secondly, the active participation of informants in the study in such ways as identifying salient subjects for inquiry and participating in an active reflexive manner during interviews helped the researcher to stay on track and avoid the researcher's potentially biased tendencies to take the inquiry in a self-interested direction.

To the extent that the internal threats to validity have been addressed, the description of the phenomenon and the conclusions arising from the study can be compared across groups, allowing for potential transfer of insights to organizations other than the cases reviewed for this study (Miles & Huberman, (1994); Patton, (1990)).

Coding Scheme.

One major challenge in conducting a qualitative study involves managing a large volume of initially disparate material. The raw data has to be analyzed, interpreted and reduced to a set of meaningful and manageable categories. The coding scheme can provide a description of the initial map of the categories the researcher expects to encounter as he analyzes and interprets the material. This process in a qualitative study is governed by flexible rules that can be adapted to the data as it emerges. Tesch (1990 as cited in Cresswell 1994) provides the following eight steps to developing and maintaining a coding scheme:

1. Get a sense of the whole by reading through all of the documents, perhaps sorting them initially by type or subject.
2. Pick one document and review it intensively, identifying its meaning and making notes in the margin.
3. Repeat the task for several related documents making a list of all the relevant topics that can then be clustered together as major and unique topics and leftovers.
4. Using the list, abbreviate the topics as codes and write the codes beside appropriate sections of text. Review the text for consistency.

5. Reduce the list of topics by grouping topics that relate to each other and then turn them into categories.
6. Determine final abbreviations for categories and sort by alphabetical order.
7. Assemble the data from each category in one place and conduct a preliminary analysis.
8. Recode the existing data if needed.

Adopting a systematic approach to the process of coding enables the researcher to document the basis on which the codes are developed and lead to a scheme that can efficiently and effectively assist in reducing the initial volume of material into a manageable and understandable product. This study employed HyperResearch, a qualitative data management and analysis system capable of handling large volumes of material, sorting data, developing categories and determining topics warranting more exploration.

The codes used to identify significant themes and to analyze the interview data were developed in stages. The digital audio files of the raw interview data were transcribed in the first stage into text files. The researcher and interviewee were assigned identifying tags and time codes were inserted at relevant intervals to allow for ready identification and accurate comparison with the audio file. Following a thorough review of the text files in the second stage a set of preliminary codes were developed that were intended to reflect the content of the interview data. The text files were reviewed in the third and subsequent stages in which the codes were assigned to relevant interviewee statements. After all the interview data had been coded a frequency distribution of code assignments was prepared and those codes that had not been assigned to any of the data were dropped. Those codes that had been assigned to overlapping data were combined and renamed to more accurately reflect the interview content. The process was repeated until the code names and code assignments remained stable in subsequent reviews. The codebooks for the DGADR, OCI and OVO interview data analysis appear in Appendix K.

Chapter Six

Implementing Dispute Resolution in Department of National Defence and Canadian Forces

Introduction: Rise and Evolution of DGADR

This chapter will describe the context in which DGADR was formed, the goals and objectives that had been set, the challenges that it faced from within DND/CF, how it evolved and what impact that evolution had on its operations. The data will demonstrate that while conflict resolution is effective on an individual and an operational basis the organization faced externally imposed accountability and credibility challenges as well as a level of internal tension between ADR intervention and skills training.

The DGADR Organizational Assessment interviews were held in the DGADR office responsible for managing and delivering the Conflict Management Program in the Department of National Defence and the Canadian Forces (DND/CF). A total of 16 interviews were conducted with five members from the Executive function, three from the Policy and Administration function, and eight members of the Operations function. The interviews were organized around the topics: organizational history and development; goals, functions and structure; organizational culture; and institutionalization. All interviews were taped in digital audio format with the permission of the interviewees and varied in length from 20 minutes to approximately 2 hours. The digital audio-tapes were transcribed into text files used to conduct an iterative thematic analysis that revealed a total of 107 unique codes (Appendix K) that were assigned a total of 971 times to specific comments provided by interviewees. The frequency distribution of code assignments (Figures 1 – 8) along with the relevant background description is contained in Appendix E.

Start Up and Resulting Structure

Major features of the environment in which DGADR was formed have been referred to in the introductory chapter 2, section 2.2 Historical Background. Interviewees made reference to those events, most frequently the introduction of civilian interest-based

conflict resolution (C1.4.1) to the Department of National Defence and the Canadian Forces (DND/CF) after the Somalia Inquiry which led to consideration of changes to the military justice and grievance systems, and ultimately the pilot project intended to test the application of interest-based conflict resolution. The Somalia Inquiry's report, the DND/CF response to the Inquiry's recommendations (Commission of Inquiry, 1997; Department of National Defence and Canadian Forces, 1997) and several others (Commission of Inquiry, 1997; Doshen, 1995; Doshen, 1996) called for reform of some of DND/CF's existing rights-based conflict resolution and grievance processes

The limitations of rights-based systems have been identified in published accounts,

Given their inherently positional nature, these (rights-based) approaches are limited primarily to addressing the specific symptoms of a given dispute, rather than to any underlying issues that may exist. This characteristic of rights-based processes has proven to be less than ideal for situations where unit cohesiveness and morale are paramount considerations. (Coates, 2008b)

They can be summed up by this quote from one of the interviewees.

Rights-based processes such as investigations and grievances processes, hearing, tribunals all suck up time and energy and at the end of the day do not always leave people feeling better at the end of the process than they were at the beginning. Three years later, Mr. Jones or Private Bloggins may well be in exactly the same place they were three years ago except that three years have gone on and they are angrier, more bitter, and do not trust the system anymore.

In response to recommendations the Canadian Forces Grievance Authority was changed and the number of administration levels was dramatically reduced. A Canadian Forces Grievance Board was also announced in the late 1990s, implemented in early 2000 and the DND/CF Ombudsman's office was created on June 9, 1998.

Pilot Project.

The interviewees indicated that between 1998 and 1999 a pilot project (C1.4.1, C1.4.2) was formed under the direction of the office the Executive Director of Conflict Management (EDCM). They understood that EDCM was given responsibility for applying an interest-based mediation approach to managing several long-standing,

unresolved conflicts stuck in the existing grievance process. The results indicated they were successfully resolved in a short period of time.

A follow up assessment of the EDCM indicated that it was successful (C1.4.3), and recommended the approach be implemented across DND/CF. A subsequent proposal to the Program Management Board during 2001 was accepted, a budget was allocated to the EDCM, a number of full-time equivalent positions (FTE's) assigned, and authority provided to establish offices at major CF locations across the country. Interviewees indicated the program, which was very strongly supported by DND/CF's senior leadership during this time, began with seven offices at major CF locations across the country from Halifax to CFB Esquimalt. The service was intended to be available to all members of the CF and employees of the DND across the country.

Mandate and Authority.

The terms of reference most often cited by interviewees in response to the question about mandate, authority and accountability included Defence Administrative Orders and Directives (DAOD), Canadian Forces General Order (CANFORGEN) and command orders through the Army and Navy but not the Air Force (C2.1). On the military side of the terms of reference DAOD #5046 provide direction to DND/CF and spell out DGADR's mandate to provide DR services to both the civilian component of DND and the military side of the CF. ADR is defined as a process that includes negotiation, mediation and coaching that are intended to "...resolve workplace conflicts in a timely and cooperative manner..." and stand in contrast to the formal, traditional or legal methods. (Department of National Defence and Canadian Forces, 2014). Interviewees reported that the formal mandate and authority was reinforced by the message conveyed by two of the three elements in DND/CF as evidenced by the following quote.

Basically where the Chief of Maritime Staff and the Chief of Land Staff emphasized the value of this process, encouraging people to do it. There were a lot of efforts, mostly on the military side, to embed ADR concepts into the machinery of how problems are resolved. There were references to ADR in the harassment policy, grievance authority and the QRO dealing with grievances. These were seen as attempts to create a strong basis for military members to feel secure coming into ADR. Because

there was so much concern and trepidation it was determined that the best message we could get out from the top was that this was endorsed, was expected and was leadership. That was the message that we wanted to get out.

The mandate also specifies that DGADR will report jointly to the Assistant Deputy Minister of Human Resources civilian (ADMHR Civ) and the Chief of Military Personnel (CMP) within the CF creating a functional requirement to report to two different department heads. With the implementation of ADR service delivery in DND/CF, both civilian employees and military members had access to and were able to use the DR services. However, interviewees reported that the terms of reference for ADR on the civilian side developed in quite a different pattern.

They recalled a government-wide human-resource modernization initiative between 2006 and 2008, which sought to foster more collaboration between unions and management and required all deputy ministers to have an informal conflict management system (ICMS) that all employees were made aware of. The requirement that each department develop and implement an ICMS program was enshrined in section 207 of the Public Service Labour Relations Act (PSLRA) (Public Service Labour Relations Act S.C. 2003, c.22, s.2, 2014) with the result that the civilian side of DND/CF is obligated to provide conflict-resolution services to the civilian population, but there is no reciprocal requirement for CF to provide the same services to its military members.

The contrast between the terms of reference for the civilian and the military side regarding DR can be summed up in this quotation:

...in a moment what had ended up happening was DND, at the forefront of ADR, was way out ahead of the curve because it had an established ICMS and had complied with the DM requirements under the new legislation (PSLRA 207), but all the other departments needed to catch up because they didn't have as an established or robust a system. So it began as a military initiative five years ago, and became a civilian-driven legislated requirement, which ironically does not apply to the military. The military is not obliged to comply with section 207 of the PSLRA. So we are in this odd situation where even though it is a military initiative, a military-driven thing with lots of directives, lots of guidance, Chief of Defence Staff guidance to commanding officers which have encouraged

commanding officers to endorse and use ADR for about seven years. So all of these pieces are there, but none of them have the same power as legislation. Now we have the legislation in place that guides us on the civilian side, and there is no reciprocal requirement within the military.

On the military side CMP operates under administrative authority established in DAOD's, CANFORGEN and command orders, and is directly accountable to the Chief of Military Personnel from which flows all of the necessary material and resource support. The counterpart on the civilian side is ADM HR Civ. The unique combination of military and civilian components within DND/CF resulted in DGADR operating under two distinct administrative and statutory authorities and being accountable to two departmental heads.

Structure and Function

Responses to the question about function and its impact on structure focused on the nature of DR services and the requirement to serve DND/CF, leading to a decentralized DGADR organizational model (3.3.1). Within the model that existed during the data collection period the headquarters office was located in Ottawa and there were fourteen separate DRCs with an additional five satellite sites located across the country from Halifax to Esquimalt in areas where there is a major CF installation. Interviewees recognized the need for both central authority and some level of autonomy and independence within the DRC's.

Maintaining the balance between centralization and local autonomy was a constant tension that existed within the organization. An example of the types of benefits that arise from the autonomy held by local DRCs is captured in the following quotation.

The DRC here ... I am the single point of contact for (specific area). That allows me to know the trends that might be happening within that area, it creates a certain rapport within the area. They come to know you, feel comfortable with you, trust you. They know that there is one person they can go to whether it is for training, promotional activities or an intervention, they know who to go to. I think that has helped our office.

One disadvantage of the decentralized organizational model pointed out by interviewees

is that although there are positive benefits from having a substantial and widespread local representation, the model is relatively expensive to operate and maintain.

The DND/CF is unique within the federal public service in that military and civilian members work side by side and are governed by two largely different administrative systems. The civilian side of DND is a unionized work environment in which the collective agreement defines to a large extent the terms and conditions of work as well as the grievance system with its attendant protocols and procedures. The CF, on the other hand, as a military organization is not a unionized work environment and is governed instead by a framework of legislation, orders, regulations and rules that are unique and specific to the CF.

Because military and civilian members generally work in the same workplace, the full range of military vs. civilian, military vs. military and civilian vs. civilian conflicts do arise. Being accountable to both the ADMHR CIV and CMP enables DGADR services to respond seamlessly to both civilian employees and members of the CF who find themselves contending with workplace-based conflicts. However, the disadvantage, cited primarily by interviewees who worked mainly in the DGADR HQ was the challenge of reporting directly to two different individuals when those individuals may hold slightly different priorities and expectations.

In summarizing responses to the questions about implementation, function and resulting structure, interviewees set the context for the introduction of civilian-based DR against the background of a significant event and corresponding response to it in the form of the Somalia Inquiry. In the view of the interviewees the process identified several problems and limitations that DND/CF were facing and recommended responses to deal with them. DGADR arose in a dynamic environment with a mandate to provide ADR services to DND/CF military and civilian members under initial administrative authority and a subsequent statutory requirement. The resulting decentralized structure despite its capacity to provide responsive services to specific locations was relatively expensive to

operate, required a constant balance between centralization and autonomy and demanded accountability to two separate department heads.

Resistance from Chain of Command

In addition to the challenges that arose from its mandate, authority and resulting structure DGADR faced a level of resistance internal to the DND/CF chain of command (CoC), which was an inherent part of the formative dynamic environment. Chain of Command refers to the CF's administrative and operational structure, a command-and-control system based on rank and responsibility. It is a formal, hierarchical line of authority that enables the organization to make decisions, delegate authority, and demand accountability. Despite the strong support the conflict resolution program enjoyed among the senior leadership at the time of its inception, interviewees identified five separate topics that describe the internal resistance present within the chain of command and the ways in which it appeared in operations.

Challenge to Authority.

The first topic of authority held by the ADR service was mentioned by most interviewees in connection to the role and function of CF leadership. They noticed differing levels and kinds of resistance to implementing ADR that was perceived as being at odds with, or potentially in conflict with the CF leadership doctrine (C2.2). Interviewees noted that Army, Navy and Air Force leaders prided themselves on their ability to look out for and take care of the serving members under their command. Senior officers reported to interviewees that although they appreciated ADR services being available to members they expected leaders within their commands to look after their people, and take care of resolving problems. This is evidenced in the following quote.

I spoke with the Commander of the Air Force some time ago and he summed it up nicely when he said it is part of leadership. "Thank you for coming along and offering the service and we will use it but, I expect my leaders will look after their people including handling and enabling resolution of their problems".

Alternative to CoC.

The second aspect of resistance identified by interviewees indicated that members of the department were also concerned that a confidential interest-based DR program might provide an alternative to the existing DR processes (C1.6.1), both formal and informal within the department and as a result, bypass or undermine the credibility and/or the authority of the CoC to identify and respond to conflicts and issues as they arose (C1.6.2, C1.6.3). This quote from one of the interviewees succinctly summarizes concerns held by members of the CoC regarding the interaction of third party interest-based DR.

People who were superior within the chain of command were worried that we as a third party would be privy to information that they needed to know in order to make appropriate command decisions which historically they always have had the knowledge of when they acted as leaders. They were worried that we would know stuff or would be told stuff because people trusted us that they would not be privy to which would tie their hands in terms of their ability to make appropriate command decisions or command choices. In the platoon, squadron or divisional system if an officer knew that one of their members was having trouble at home or there were family issues, that officer might find a way to communicate with the member and tell them what they saw, what they perceived and what needed to be done. That was seen as a leadership piece. There was this real fear that by allowing a third party to learn something that they would not otherwise learn that they are cut out of the solution and the information loop, because part of knowing your team is knowing their weaknesses and strengths. Strong leaders, I think, have always been able to gauge their team. So there was a real fear that this (ADR) would undermine that.

Culture Change.

The third topic raised in the subject of internal resistance arises in reference to the challenges of changing organizational culture and appears in a number of forms. The majority of responses on the topic of the challenge of introducing and integrating ADR in a command and control system (C4.3.3) originated from the Ops function and tend to be very specific, grounded in the environments within which they work. An example is evinced in this quote:

... another major obstacle that we face here would be the culture. That is an obvious one and historically that is how we work, in a culture environment with the military, based on entrenched doctrine and a chain of command, an order based system. We are trying to introduce a system that is directly in conflict with that (military culture). ...we

are asking them to sit down and talk. (We are not asking them) to challenge or question the chain of command.

In speaking specifically about the nature of the tension between ADR and the CoC, interviewees contrast ADR training, with the CF's purpose as well as the skills people develop as a result of being trained and becoming a member of a military organization.

So there is a culture that has to be changed. We are not training people to accept mediations as much as to understand the mediation process so that when they have an argument, (dealing with) it is a leadership capability. It is something unfortunately we are not taught in universities or taught in schools. ...When you join the forces, they teach you how to run a ship, fly a plane, or shoot a rifle. They do not teach you how to deal with other people in a respectful manner, in the way mediation processes work. That is what our end game is.

Changing organizational culture and recognizing the tension between ADR and the CoC presents itself differently in each of the CF environments. For example, interviewees have indicated (C4.3.6) that there appear to be differences between the way ADR is accepted and adopted in air force units and on air force bases and the way it appears to be adopted and responded to on army bases. The examples provided by interviewees clearly indicate the differences between response patterns arising in different environments. They also indicate that different response patterns may arise in the same environment. For example the way army units respond in one part of the country may differ from the way they respond in other parts of the country. The following quote presents some of this contrast.

This is an air force wing and I think that the reason it was chosen as one of the original DRC locations was that we needed an operational air base to be one of those original bases. I think initially the program thought that the air force was the most like corporate Canada or corporate North America and so it would probably embrace the concepts of ADR more so than army or navy type organizations. What we have discovered seems to be the reverse. There were two hard army units here and they were the first to embrace ADR. They could understand that Leadership 101 is "know your people and promote their welfare". Having interest-based conversations was the way that army units function in garrison all the time. And they would build that cohesive nature of their teams, and they would build a trust so that when they went outside garrison they would rely on each other unequivocally. So convincing them of the benefits of ADR was much easier than convincing the hard air force units where it

seems technology has taken over for interpersonal relationships. Of the air force units here we got into the support units a lot quicker than we did the operational flying units, and it has been a challenge, but that has now arrived. They are now pulling our training rather than our having to push it.

The experience of observing and intervening in the tension between ADR and the CoC can also appear differently in different locations. This quote indicates the same topics as the previous quotes, but highlights a difference based on a particular locality.

To me using ADR in an army base, and we have had this discussion often on this base, it is almost anti-culture. We are espousing soldiers talking to soldiers, etc., mutually respectful dialogue, cooperative attitude and all of that. So, they still have to close with and destroy the enemy, and there is a paradox there. Again it is a cultural thing and a transformational shift and where are we? I am not sure we are as far ahead as we should be in terms of getting real buy-in from the majority of people in the army.

Walking the Talk.

Interviewees have also pointed out that the tension between ADR and the CoC can be viewed from the perspective of the senior leadership within the CoC (C4.3.2; C7.1.4). If the senior leadership fails to meaningfully demonstrate the acceptance and application of ADR, the likelihood of it truly being taken up by members of the respective organization is significantly diminished. The following quote exemplifies that topic across all army, navy and air force cultures.

A major obstacle in some areas of the Canadian Forces and the Department of National Defence is buy-in by the leadership. I mean active, exemplary buy-in. I do not mean lip service. Nobody but nobody is going to say resolving conflict easily, effectively and early is a dumb thing. No one is ever going to say that. But to do it is a different thing. You can imagine a leader at some mid-level saying 'you folks should all get along and resolve your conflict effectively'. But if the leader themselves does not do it, it is not going to happen.

From the point of view of the interviewees who work directly with individuals from bases and CF locations on a daily basis the perspective is somewhat more individualized as is indicated by the following quotation.

I would like to see more acceptance from the military folks to do ADR, to embrace ADR. For them, not to see it as a weakness, if they have to use it as a tool. I think maybe if they could take training at the higher

levels as well, we get again corporals, master corporals, sergeants, a few captains and very, very few majors and above. So I would like them to take the Resolving Conflict Effectively and Conflict Management Leadership (courses), and if they have a conflict to come to us without thinking it is a wrong thing to do.

Another aspect of resistance is evident in an observed hesitancy to apply ADR to self (C5.5). Although ADR appears to be generally well accepted and well understood, there is to an extent a continued reluctance on the part of some individuals to apply the analysis and the skills to themselves in their own circumstances. That view is evinced in the following quotations from two interviewees

Generally people have positive impressions but I almost get the feeling it is a good service for somebody else. “Oh yeah, if I ever have an employee who really needed your help I would send them to talk to you.” But they don't necessarily see themselves as the potential client. It is someone else with the problem who really needs to be DRC'd. I think there is still a gap in terms of having an effective interest-based dialogue seen as being the norm, or a pattern of behaviour that people need to accept in their own world.

Wrapping all of that up into how much buy-in from the army, and that to me is a question that I don't know the answer, although my suspicion is that it could be better. In other words, I think some of the personnel on this base probably could utilize our service a little bit more to the extent that they were a little bit more open-minded and they really saw the benefits and advantages of using our ADR processes, in contrast to our typical harassment complaint or “you're going to be charged.” etc.

Another perspective on walking the talk applies to the internal dynamics indicating that DGADR itself is not immune from the challenge.

We are great caring people who like the work they do, like helping people. They are professionals, well trained, but maybe it is a little bit like me with my own conflict, our people are very good at helping other people but not always so good at walking the talk themselves. When they are in the midst of a conflict in our program, or interpersonally between colleagues, or in another aspect of their work they do not always have the emotional or cognitive maturity to engage in a healthy dialogue, and to take responsibility for what they have done and where they are going.

Mandate.

The subject of DGADR mandate is the fifth and final subject raised in response to the question of internal resistance and can be considered from two perspectives of ADR first; and the lack of a legislated mandate (Figure 4.1 Appendix E).

The concept of “ADR First” (C4.2.1) was intended to set a new direction within DND/CF in which the default, or first response to an emerging conflict or problem, would be to identify it as a potential conflict, allow the parties to examine the issue and determine what possibilities there might be to resolving that issue prior to engaging formal, rights-based, complaint mechanisms. Interviewees indicated that the concept had been discussed and generally agreed within senior levels of DND/CF, but was not articulated in a formal written change to either policy or administrative orders and directives.

There was reference by one interviewee that approval had been sought and received from the Armed Forces Council to prepare and run a pilot project to examine the application of “ADR First” within DND/CF. In the project design voluntary, interest-based mediation would be engaged by the parties at the time the conflict was identified, and prior to any attempt to activate the formal rights-based complaints mechanisms. The intent of “ADR First” can be summed up in the following quotations.

A grievance is not a grievance until it has been filed. One of the ironies for us is that there is a certain absoluteness or line-declaring that happens when people put things down on paper in a formal manner. Their ability to negotiate and their willingness to compromise disappears somewhat, the closer they get to a formal filing. The moment someone files a formal grievance they are pretty rigid because they have had to get their ducks in order, they have had to put all their evidence, convince themselves of their best arguments, run it by their friends and family probably for a long time and probably have come to believe in their own case pretty strongly. By the time something is articulated in writing as a formal grievance or complaint, peoples' ability to see another side or to be open to dialogue is often curtailed. One of our hopes was that someone with a problem could advise their chain of command they had a problem, advise them that they had an intent to file a formal complaint, but try to catch it somewhere between the notification to the chain of command that I have a problem with Buddy or a decision and prior to the setting it down on paper and in stone. Because that hardens positions and it makes the possibility of an easier or low-level resolution harder to achieve.

The following quote exemplifies the second perspective on this topic.

The concept of a notice of intent was meant to mitigate somewhere and to find a middle ground between the system's need for formalization but to provide more flexibility in peoples' mindsets. The hope is that in time the notice of intent may run for an extended period of time to allow the person with the problem (I will use the term problem because I think it covers anything) enough time to explore other options and make informed choices, and see if there was a dialogue possible that could fix the problem at the lower level before escalating to the grievance authority.

There are a number of issues contained within the topic of lack of legislated mandate (C4.2.3). The first is a reference that has been made by interviewees to the development of draft amendments to DAOD that would compel DND/CF to provide DR services to serving CF members. Interviewees indicated that this draft amendment has been prepared for some time, but up to the time of data collection had not been enacted, and as a result there is no statutory or administrative requirement or compulsion for the CF to provide conflict resolution services to its members.

Another view regarding the topic is that initially, when DGADR was founded, there was a perception and a belief that there was no need to have ADR identified specifically in orders and regulations. The understanding expressed was that as long as the Chief of Defence Staff and the senior leadership within the CF identified the need for and indicated the intent, it would be done and the services would be provided. There is a perception that some years after the implementation of DGADR the commonly held belief in the power of senior leadership intention may not hold the same validity. The following quotation indicates the perceptions that were held by EX regarding this issue.

Initially there was not seen to be the need to have the force of law. The CDS could say 'we will have this and make it so'. Again, when the top leadership is behind it, it will happen. But in recent years because of pressure of government, deficit reduction and all that there has been a lot of pressure across the board. In strategic review for example it was commented that there is no Act that specifies that this is required and I was somewhat dismayed to hear people say "There is no legislated requirement for it, so we do not need to have it."

A second aspect of the topic of legislated mandate is that of the comparison between settings in which the provision of ADR services is required by formal mandate and those in which it is not. Interviewees have made references to the fact that the PSLRA, Article 207 mandates the provision of ADR services to the civilian members of DND/CF but similar provision in regulations or legislative mandate does not exist for the CF as highlighted by the following quotation.

One of the recommendations that has come out of the ten year review of the grievance authority and feeds into this, is to put into legislation in the National Defence Act that dictates the military grievance authority and also Queen's Regulations and Orders (QR&O), put it right in there "The Canadian Forces will establish a dispute resolution office." and put some rules around that. Public Service Labour Relations Act, Article 207 is about three lines and that is all we need in the NDA. That I think would achieve equity between military and civilians, and it would reinforce the importance of the informal resolution process within the context of a grievance and put some teeth into the use of our services. Yes, we are voluntary and everyone has to come willingly to an ADR table. But I think it would send a very strong message about expectation that you will try to resolve your issues informally before going into the formal route.

A related topic is the internal challenge of developing a consistent response to conflict management (C4.2.4) when there are in fact two separate organizations that may have differing views and circumstances that affect how they perceive and respond to conflict management services. In this case, DGADR reports directly to two separate bosses, the one being the Assistant Deputy Minister of the civilian component of DND (ADM HR Civ) and the other being the Chief of Military Personnel, who is the counterpart for military personnel in the CF. Interviewees indicated that the perspectives of those two organizations have not always been entirely consistent.

The preference in the civilian side of DND is to approach conflict management from the point of view of an organization that works within a collective agreement process that defines the terms and conditions of work. As a result, the preference is to privilege the rights-based complaint mechanism systems within that collective agreement, and efforts to institute "ADR First" as the first level of intervention has not been embraced by the civilian side of DND/CF. On the other hand, interviewees reported that the previous CMP

wholeheartedly embraced the concept and the CF was much more inclined to incorporate “ADR First” as a means of responding to an emerging complaint at the lowest level of intervention to resolve it quickly at that level. The issue can be exemplified by the following quotation.

From the ADM HR Civ's perspective the first default is the collective agreement. It is a unionized labour relations environment and respect for the collective agreement, which is of course a rights based tool, is the most important thing. She was unable to agree that ADR was a first default mechanism. She likes it and thinks it is great, as a back-up to the rights negotiated in the collective agreement between the two bargaining agents and the treasury board.

In summary, DGADR encountered internal resistance that took the forms of a perceived challenge or an alternative to authority inherent in the Chain of Command, changing organizational culture, the difficulty of walking the talk, and the impact of its mandate and terms of reference, all of which had a significant impact on its subsequent evolution.

DGADR Evolution and Its Impact on Operations

The Growth of DR and Training.

Interviewees identified three functions that DGADR is obligated to provide that are consistent with those articulated in the mandate. The first entitled DR services (C3.1.1) is described as third party intervention using a voluntary, interest-based mediation model to facilitate resolution of conflict within the workplace between civilian members of the department and/or military members of the CF. The second function is described as the delivery of DR related training to civilian and military members in the form of career-based training and DR skills-based training delivered by the individual DRC's (C3.1.2). The third function is described as general education and awareness initiatives to promote understanding and acceptance of ADR.

Interviewees observed that the role of training expanded considerably as DGADR, in conjunction with the Canadian Defence Academy, began approximately in 2000 to integrate ADR into the professional development curriculum for officers and non-commissioned members (NCM) (C4.4.1). DGADR developed a series of courses related to DR and conflict management that were incorporated into the professional development

training for all NCM ranks from raw recruits through to privates and on to the most senior levels of chief petty officer and chief warrant officer. That training was incorporated into the professional development regime, and those courses continue to be offered regularly as part of the professional development training system for NCMs. The following quote exemplifies the opportunity and the contribution that DGADR made to the development of training for non-commissioned members.

Starting around mid-2000 and before I came on board, some real good in-roads were made with Canadian Defence Academy to get some components of ADR training integrated into NCM and officer professional development. In 2006/2007 I would say it was a turning point because we were really integrated into an appropriate to rank package for the privates up through the five development periods to chief warrant officer and chief petty officer.

The second related issue regarding training is the observation that the development that took place within the NCM training network was not replicated in the officer training and professional development system (C4.4.2). This quote highlights the observation.

We were not so far advanced with the officers, and still are not. Hindsight is a wonderful thing. When we started on integrated training embedded in professional development we should have advanced on two fronts at the same time. We saw a window of opportunity on the NCM side because their professional development was under massive review. The NCM general specifications were being looked at and I think there was a great window of opportunity there and a lot of support. There was not so much openness, and the window of opportunity was not open on the officer side. To this day we have got at every rank level, private to chief, a chunk of ADR training. On the officer side however, there is a small chunk for the basic officer recruit. There is nothing formal or mandatory for the professional development to the captains and the lieutenants. We did make in-roads in the professional development at staff college in that we got a day at staff college which is good, but I hear that is under threat now, and (there is) nothing at the higher level for colonels and generals.

The third issue is that of the difficulty experienced in advancing the integration of conflict management skills into the leadership doctrine (C4.4.3). References to this issue described the work that was being done in the CF Aerospace Warfare Centre on the development of future concepts in warfare. Conflict management skills in this context are considered one of the fundamental enabling blocks or concepts that influence issues such as leadership development and commanders' intent, unit cohesion, war-fighting

capabilities, operational focus and team development. The views expressed by the interviewees indicated frustration with the observation that although members of DGADR had been involved in the development of those concepts, information about the significant role ADR plays does not appear to have been addressed and brought forward to the attention of the senior leadership within the CF.

It was very integrated into where the Allied Forces were going. For those messages not to be making it out of DGADR from our DG to CMP was very frustrating. I think that it has come back to bite us rather severely because the sense is when you are an ADR type of organization, yes we have ADR as a process, but we are part of a much larger personnel development process as far as leadership and mission accomplishment.

Tension between Headquarters and the Field

Two major topics regarding the role of DGADR as the central authority within the delivery of DR services and the decentralized organizational model that developed within DGADR were identified and commented on by all but two of the interviewees (Figure 3.3 Appendix E). Those two topics were identified 21 times with regards to the central authority (3.3.2) and 12 times with regards to the decentralized organizational model (3.3.1).

DGADR central authority.

Interviewees understood the DGADR office in Ottawa was the centre of authority for the development of policy and procedures, acquisition of resources, development of budgets and central administrative structures. In addition to administrative duties, DGADR in the view of interviewees was the point to which the DRCs across the country reported directly. Several indicated that when DGADR and the DR services were originally developed the local DRCs reported directly as well to the base commanders in those locations in which they operated. They indicated that approximately four to five years ago, the reporting relationships were changed. Along with the introduction of a new level in the administration of DGADR in the position of the Regional Managers, the reporting relationships changed, eliminating the local base commanders and reporting solely to DGADR in Ottawa through the Regional Managers.

Interviewees disagreed widely about the effect of this change. Some said that the central authority was an important function to be maintained, and in some areas enhanced, to bring more consistency to service delivery, improve DGADR capacity to manage resources, set standards and maintain quality assurance within the delivery of DR and training services. Other interviewees indicated that the consequences of switching reporting accountability solely to DGADR had mixed results. Although it tended to bring consistency across DRCs, it also tended to constrain and restrict the ability of the DRC to respond to situations that arose within that local area.

Some interviewees, largely those who worked within the DRCs, indicated that one of the advantages to the change in reporting requirements flowed from the implementation of the Regional Manager (RM) positions and the subsequent delegation of authority from DGADR HQ to the RMs. An example was provided in the form of the allocation of training and resources to the development of individual practitioners. Previously, if a DRC coordinator wanted resources to support training, the request would go directly to DGADR HQ, and be referred to that functional authority within operations. After a meeting of the appropriate representatives a decision would be made, then transferred back to the DRC coordinator and subsequently to the person interested in the training. Delegating the authority to RMs streamlined a relatively complex chain of events, that in their view, tended to delay decisions and make it difficult to identify and respond to needs as they emerged within local DRCs.

Mistrust between DGADR HQ and DRCs.

The issue of mistrust (C3.3.7) appeared in a minority of the interviews, but when it did appear it carried with it an expression of strong emotional and operational concern. The essence of the concern is summed up by the following quotation.

Up until very recently it was a very rigid hierarchy, top down. You have your DG in headquarters and you have your RMs and you have your coordinators. Up until earlier this year RMs were not considered part of the corporate team so they were not invited to any meetings. I think the RMs in my view were corporate tools. What that created was a huge disconnect between the headquarters and the field, and neither understood the other. There was a lot of discontent speaking from the

field, a lot of discontent and mistrust. Speaking from the headquarters perspective there was a lot of frustration for not being appreciated. Both sides end up feeling mistrusted and unappreciated. In my view, that is because of the structure.

References to the issue of mistrust also identified a lack of clarity regarding goals and responsibilities and a disparity between the necessary policy and procedure as viewed from the point of view of the DRCs and that of DGADR HQ. A slightly different point of view regarding the issue of mistrust was identified by one interviewee who referred to a difference of opinion between the DRC and the DGADR HQ, regarding the structure and delivery of a training program. In this person's view the DRC had developed a shortened and substantially more efficient and effective form of the primary training course referred to as RCE or Resolving Conflict Effectively and a second course Conflict Management for Leaders referred to as CML. The issue is highlighted by this quote.

One thing in this region was a departure from the corporate mandate of training delivery. They (DGADR HQ) had it broken into the RCE, which was a three-day course and the CML, which was a two-day course. By putting the two of them together and running them one to four days we actually achieved a twenty percent saving in time, which is very important in the marketing of it because the people got the same level of training. Where we saved the time was in the review period. We had to frontload a few of the theory pieces and this caused a lot of unhappiness and concern from corporate (DGADR HQ). They sent someone to audit the course, and see how it was working, and they said we really ought to be doing this everywhere. It allowed us to generate high volumes of very skilled people.

In the opinion of this interviewee the difference of opinion regarding the training courses was effectively resolved, and that over time the region was allowed to run the shortened course with the blessing of DGADR HQ. Other concerns regarding course design and delivery (C3.3.8) express a contrary view as evidenced in the following quotation.

There were some courses done that really had no relevance to the operational needs. We ended up with courses that I think at times were maybe not meeting our clients' needs because they were being done centrally out of Ottawa, which at times can lose focus on what is real because (they) are dealing with the institutional military as opposed to the operational (military).

In the view of that interviewee there have been times when DRCs developed, prepared

and presented course packages to the DGADR HQ that were subsequently rejected, and the DRCs were told to continue delivering the authorized courses.

Mediation vs. training.

Another indication of tension within DGADR arose between the two philosophical positions regarding the relationship between DR training and the direct delivery of DR services (C 3.1.3). On the one hand, interviewees indicated many of the mediation practitioners believed DGADR's most effective and important job was to deliver direct mediation services in efforts to resolve conflicts between members. Many of the practitioners viewed this as DGADR's primary role, and as such it represented the best use of available resources. The alternative view is that although direct delivery of DR services is essential and a fundamental part of the mandate, skills-based training to identify and respond effectively to emerging or potential conflict situations has more long-term and significant positive benefit to DND/CF as an organization, as well as to individual members and employees.

The training approach is described as that of building a critical mass of DND/CF members trained and skilled in recognizing and responding to potential or emerging conflict. Proponents held that if DGADR were able to provide DR training to a minimum of 25% of the CF members and employees in a particular area, the skill set and capacity would become self-sustaining, fewer conflicts would arise between members, and, when they arose, conflicts would be dealt with more effectively.

A closely related topic identified by interviewees is the point of view that CF members form an essential component of the CF's operational capability, directly affecting its capacity to carry out its strategic and operational role. To the extent that members are able to recognize and deal with emerging conflicts, they remain focused and dedicated to the operational task, thereby enhancing that operational capability and improving the capacity of CF to fulfill its operational mandate.

The following quote expresses the tension that arises between the expressed operational focus and the alternative emphasis on the delivery of mediation services.

Some of our ADR practitioners were very active in that. Again, the whole war-fighting capability and soldier survivability are interests that we as a program touched with other L-1s, as they call them, across all environments. This is something that we bring to the fight and coming back to this school of thought, are we just ADR? Or are we conflict management as part of enabling a lot of other capabilities that the military must possess? That has caused a certain amount of unease among many of the practitioners who see themselves as trained and comfortable as ADR practitioners, not as tools in a weapons system. But we are DND and it makes for two rather distinct schools of philosophy.

Demonstrating Value.

Interviewees identified a series of challenges and limitations that DGADR faced in demonstrating to DND/CF the true value of its products and services. The first of these is the operationalization of conflict management (C4.5.1) that highlights the difficulty of establishing the link between the provision of conflict management skills, unit cohesion and resilience. The challenges that DGADR specifically faced are exemplified by the following quotes.

Another challenge or obstacle the office faces is that dispute resolution is not a hard, tangible, measurable commodity. By contrast, coaching a rifleman to fire rounds down range toward a target; you get instant feedback. He is either on target or he is not. Then a good coach can bring that shooter back onto the target and you can instantaneously see the results. You can see that if you train a pilot to fly an aircraft, as long as that aircraft does not hit the ground too hard the pilots are doing okay.

The stuff we do is way more difficult to measure. I cannot tell you the number of times I have been challenged to "prove that it works" "how much money did you save by training all the people that you trained." I don't think any military organization anywhere in the world has ever done that. But the bean counters would say, now that must have cost X and you can figure it out, how many hours all these people spend in the classroom and how many hours my instructor spent. Well, how do you measure cultural change, attitudinal change? How do you measure success as success is defined as good harmonious cooperative relationships, where productivity is enhanced and the sense of team spirit and quality of work life goes up? You cannot measure that.

The challenge of demonstrating value also arises in efforts to document and communicate

effectively the impact of pre-deployment DR skills training. Pre-deployment training in general refers to training delivered to members of units prior to their being deployed on overseas missions, or within special operations inside Canada such as assisting with the G8 and G20 conventions (C6.2.3). Pre-deployment DR skills training takes the shape of a four-day course in conflict management recognition, identification and response provided to members of the unit being deployed (Brodie, 2006; Coates, 2008b).

The topic of operationalizing conflict management describes ways in which conflict management skills and training have been, in some instances, incorporated into the military functions in active operational units. The following paragraphs representing the experiences of one interviewee describe succinctly how that was accomplished in a particular instance within the Air Force and in a second instance with the Army.

...(we) realized that our forces in the field, the Air Force mission support squadrons, were having a lot of internal friction that was (affecting) the missions that they were to carry out overseas. ...(We) spoke to the mission commander and persuaded her that the difference between a good mission and a not so good mission was how well the unit performs, how cohesive it is. A lot of the work that we did in conflict management was to prepare groups and individuals to work together using ADR fundamentals.

This was quite a departure. We trained up, in behavioural science the reckoning is somewhere between 26 - 28% of a shared skill or attribute present in a group will change the behaviour of the group. So we aimed to get a minimum of 25% of the people of the unit trained up with a critical mass of conflict management capability. As it turns out we exceeded that figure and had about 39%, which is very good. There was a lot of leadership shown by the commander, the adjutant, the regimental sergeant major, and a lot of the key individuals were trained.

This is the first, as far as we are aware, of any unit anywhere in the world proceeding overseas on an operational mission with an embedded conflict management capability. So they could sort things out, stay focused on their mission and be more cohesive as a unit. When they came back we ran them through a post operation debrief and prepared a post operation report. That was then sent into the mill and between the jigs and the reels (the commander received a) commendation, and that really nailed us down as having taken those first steps to get away from working in the warehouses, working in the offices, in garrison and taking that step overseas for operational effectiveness. From that point the word

spread through the Air Force and it came to the point that no Air Force unit proceeding overseas would go without having an embedded conflict management capability.

What is interesting is that this was all done basically (face to face) because the lessons learned system could not catch up and get that into the system, into the pre deployment schedule. So one commander of the MSS in their handover to the one in the slot would say, "This is what you need to do to be successful." The baton was passed and with each successive unit heading overseas the critical mass went higher and higher, until now pretty much every unit heading out has been training to 100%; and this is 4 days of pretty intensive conflict management training built around our modules 1 -5 our CECML.

Then we moved that over to the Army with (the task force) that went into Afghanistan. A control group of 30 + individuals in the battle group was trained up with those skills. ... That was quite something because we had now gone from the Air Force into the Army, which really was not that big of a cultural shift. The divisions are not land, sea and air, in my opinion the great divide is between non-operators and the operators. Once you are working with one set of operators in a joint environment you are working with them all.

The topic of DGADR's failure to represent operational success describes the challenge DGADR had in measuring and in delivering information about the impact of DR services as well as conflict management skills training in operational units. Interviewees defined several aspects of this topic, the first of which is the difficulty in identifying, capturing, tracking and analyzing data that would be needed in order to demonstrate and measure overall effect or impact.

The following three examples provide an indication of the impact that the application of DR skills has demonstrated in deployed operational units. The impact of that training in a mission support unit is explained in the following quotation.

So in 2007 the mission support flight commander asked for help in preparing the team. She invested a great deal of effort having in fact 39% of her people take our training, four days of training before the deployment. It was the first unit on the planet that I believe ever deployed with an embedded conflict management capacity, which maybe to everyone else feels benign but they are also the first unit that never had to send somebody back (to their home unit in Canada) because of conflict; and they were also the first unit that when they came back to Canada

after the six-month rotation did not bring any new cases to the DRC.

Another example of the operationalization of conflict management skills in a naval setting is contained in the following quote.

We ran a course here that was developed by some of the staff for HMCS (naval warship), it was a specifically designed course for ships going on deployments for long deployments, and it was very well received. The commander came back and he had nothing but praise for how much it had actually helped deal with conflict on a long deployment. The commander talked about the number of conflicts that would ordinarily arise during a long deployment, the estimate being that there would be 30-40% of the number of cases per ship's company. HMCS (naval warship) came back with 2%.

A final observation regarding the successful integration of DR skills into pre-deployment army training is provided by the following quotation.

A control group of thirty plus individuals in the battle group was trained up with those skills (conflict management skills in pre deployment training). When they came back they were interviewed, and to add some legitimacy to the work that we were doing we engaged a defence research department analyst to conduct the research and debriefing with us. The report that came out of that group was quite something. The second individual that was interviewed was a warrant officer in command of a tank in Afghanistan and the researchers asked him 'What would you say (was) the effect, if any, of the training you had on the way that you did your work; any differently from before or would the results have been any different?' He said 'Well, the fact is that I would be dead if I did not have that training and so would everyone else in my tank, would have been dead as well.'

Despite the presence of tangible evidence indicating significant levels of successful application of DR skills in deployed operational units, interviewees expressed no confidence that the data were effectively communicated to the senior levels of command within DND/CF or that their value was understood or acknowledged. The following two quotations describe the frustration expressed regarding the limitations they faced in describing the effect or the impact of conflict management skills and DR services.

We needed the ability to keep checking back to say "here's what we're doing and here's what I see going on in your department". We could not do that. So as time went on the question that commanders always asked "Can you drop it down to what is going on in my ship?" we could not do it because we could not identify the services by unit. Sometimes I could

tell him something decent, but other times the commander wanted to know what was going on and I could not tell him. So we started being sidelined of course. They recognized the training was good but giving them the value of the statistics or data they could work with, we couldn't do that. I think we have failed as an organization to properly exploit and leverage our success in the field.

The second quotation describes another perspective on the challenge of effectively measuring and representing program success.

If we go from an industrial relations background in its purest sense, we are watching the employer to make sure that the organization is efficient and productive. This is a tool that we use to get there. Of course the message to DND is that yes, we make you more operationally focused, units more cohesive and all the rest of that, with the right message we have had tremendous support from units, certainly in the field and occasionally higher formations, though I do not believe the message has been consistent at the higher levels. In fact, I am quite sure that the message has never made it adequately to the L-1 levels from our headquarters.

There was often a sense in the field that when we passed successes in the field that were fairly significant, to (DGADR) HQ they were kind of being dropped into a black hole. The three of the big things holding people together in an organization, respect, recognition, and inclusion, and we often felt that the recognition for our people was not forthcoming.

The interviewees also described attempts DGADR had made to determine the resources that would be required to build such a database, and reported that despite repeated requests for those resources to be included in annual budgets the requests were never approved and DGADR was never able to acquire the needed resources. The following quotation exemplifies that aspect.

How does the office respond to those obstacles? As best we can. We have a database and a tracking system, but it is inadequate. It has been frustrating. These computer challenges from CMP and staff and human resources civilian staff saying 'prove it.' Prove the value of your work. In order to prove that, a part that is measurable, we need a more sophisticated data tracking system than we have got right now.

Weak data collection.

The next issue interviewees mentioned most frequently in this topic was weak data collection (C4.1.2). The issue is perceived as a lack of capacity on the part of DGADR to

adequately track and effectively apply data regarding service delivery and its impact on operations. The view of interviewees who work in the DRCs can be summed up in the following quote:

I think that (data collection) is one the program's greatest weaknesses. I do not think that what we do and what we have achieved has been known widely enough. I am hoping we are turning the corner on that one, but I do not think that it is known widely enough. We are not able at this time to capture anything other than numbers, which is problematic because it does not actually speak to how we impact. We can say that we did x amount of mediations nationally in year x but it does not speak about impact. The training as well, we have the numbers but not the impact. To make things worse the system itself we are using is dysfunctional and big swaths of data have been lost.

An additional problem flowing from weak data collection stems from the demand for data (C4.1.3) that DGADR as an organization receives from senior leaders and administrators. The demand for data at that level is seen as being a requirement to demonstrate the value of the service that has been provided and its impact on the capability of DND/CF to carry out its fundamental mandate. It was recognized by individuals that the existing database and data collection systems were not sufficient to meet the external requirements of accountability:

One of the problems we had and always have had that we have to recognize is that we have a database that could not answer questions. If an Admiral came to me and said, "I want to know what are the key issues in my command." our database could not provide that. It was so convoluted as a result of the absolute insistence that we protect everybody and everything, it became a meaningless blend and all I could tell the Admiral was there may have been some of this going on but maybe not. Sometimes I could tell him something decent but other times the Commander wanted to know what was going on and I could not tell him. So we started being sidelined of course because they recognized the training was good but giving them the value of the statistics or the data they could work with, we could not do that.

Operational Success and Culture Change

Despite the challenges that DGADR faced, interviewees presented evidence that significant progress has been achieved in delivering mediation services and that DR skills training are generally well-accepted, readily applied and have generated strong operational support at the base and unit level (C5.1). There is a high volume of activity, and people generally respond very favourably to both the service and the training that the

DRCs provide. The following quotation indicates those views.

I would say that at the base level, and I can only talk in my area, is that we are well accepted and considered integral to the operation and efficiency of the base and wings. The DRCs are well used when disputes arise, but there is also the training component. It is always in demand and courses are pretty much full up all the time with waiting lists. People want to get those skills and so we have passed that tipping point of resistance or reluctance to what they are all about and understanding that. We are part of, not just mission success, but at the individual level we touch personal interests which is “you are likely to have a happy, more successful career if I acquire the skills that allow me to function successfully within the organization”, so that is a success. I think we have a lot of support from the unions. They certainly embrace what we are doing and we enter at mid-level and below of the command structure to make those successes.

The opinions expressed by interviewees regarding the levels of understanding ADR (C5.2) indicated that they observed numerous occasions that demonstrated people within DND/CF have a greater understanding of how ADR actually functions and how it can be used in the work site. Response to this subject is indicated by the following quotations from two interviewees.

It is very exciting for us because we have in the past, our entire program has had difficulty engaging with operational units because their focus is really on the battle, battle mind, hard-core stuff where we were considered more of a soft skill. They have started to recognize that there is a need for both the battle skills and the soft skills, and we are the best people to provide that.

The second interviewee presents two perspectives, the first of which is focused on indicators of change observed in interdepartmental relationships and the second on observations of changes in individual behaviour.

I have been now to half a dozen senior level meetings in the area of grievances, harassment ... both on the mil and civ side dealing with formal rights-based processes ... where as part of the conference it is a matter of course to acknowledge that interest-based alternatives are preferred, viable, appropriate, recognized and endorsed. We don't need to do that (on our own anymore). To me it is a telling thing that we don't have to toot our own horn anymore. We have sister organizations, who don't actually have to toot our horn, doing it for us.

I have also attended training sessions ranging from junior ranks and base level employees all the way to senior officers, NCM's and public servants

where there are still, as there always are, people who want to challenge or throw into question the validity, mandate and utility of ADR. This has existed all the way along in my experience with the program. There is always someone who has a lot to say. What I have observed in the last 4 years or so is that I no longer have to provide the rebuttal. I now no longer have to counter the person challenging the validity of the system. Someone else in the audience will stand up and say "You know what, my experience is the opposite. This is what I have observed. This is what I know. This is what I have seen (and it works).

Interviewees also observed DND/CF members recommending to their supervisors and leaders (C5.6) the value of ADR training as is exemplified by the following quotation.

We ran a course last week and on it was lieutenant colonel from SEFCOM whose major and deputy commanding officer in headquarters was the commander last year. He was posted from this base to SEFCOM last year and when he got there he said to his boss the lieutenant colonel "You got to get this training, and I recommend you get it in this location." The lieutenant colonel from SEFCOM just took the training last week and he said "Wow, I should have had this training at the beginning of my career." That is what we hear all the time, and it is why I joined the program. I took the training and then became an associate.

Developing a critical mass of trained personnel (C7.5.3) is also recognized by interviewees as means of addressing the challenge of integrating DR skills into the functional aspects of DND/CF operations. Critical mass is based on the view that at the point where a significant number of the people within an organization are exposed to, understand and accept a concept or an approach, its durability and consistency of application are significantly increased. The following interviewee's quotation examines DGADR accomplishments in that regard and what still remains as a potential obstacle to the capacity of DGADR to carry out its complete role and function.

In the last three years or so we have created a critical mass of people who get what ADR is. We have trained between fifteen to twenty thousand people per year for the last three years. When you factor in that may range from a one and half hour course for a new recruit being exposed to a brief awareness, or it may be a master corporal on a three or a one day course understanding how ADR impacts her as a leader. The number of people who we have at least made contact with and done, maybe a skills awareness or training exchange is very high.

It is to the point that those questions and concerns about how we

interacted with the chain of command and dealt with confidentiality have not emerged as questions or barriers for the last four years. Those have been accepted and understood. We conduct an awareness survey every three to four years and the most recent survey suggests that something like 85 to 90% of the people surveyed were aware of our services and agreed with the concept of them. Institutionally we have shifted the knowledge base, the awareness of and the acceptance of ADR.

Summary

DGADR developed within an organization undergoing significant levels of structural and cultural change. DND/CF gave it a mandate to provide interest-based DR services in a military environment with a bifurcated accountability to civilian and military department heads. DGADR encountered significant levels of initial resistance and faced the challenges of managing a decentralized program in a highly variable environment with a limited capability to demonstrate its value. Despite those obstacles, DGADR developed a Conflict Management Program as well as career and operational dispute resolution training programs that received strong endorsement from participants and enhanced the CF operational capability.

Chapter Seven

Implementing Conflict Resolution in the Office of Correctional Investigator

Introduction

The Organizational Assessment interviews were held in the office of the Correctional Investigator that is responsible for investigating complaints received from prisoners and families of prisoners who are held in federal prisons within Canada. The interviewees were divided into the following three functional groups that represent the major divisions of responsibility within the Office of the Correctional Investigator (OCI):

- Executive (EX) – strategic direction, organizational design, external relations;
- Policy and Administration (PA) – policy development and senior administration; and
- Operations (Ops) – supervision and delivery of direct services to clients.

Three interviews were conducted that included one member from each of the three functions. The interviews were organized around ten questions that examined organizational history and development; goals, functions and structure; organizational culture; and institutionalization. All of the interviews were taped in digital audio format with the permission of the interviewees and varied in length from 50 minutes to 85 minutes.

The digital audio tapes were transcribed into text files that were used to conduct qualitative thematic analysis. Iterative thematic analysis revealed a final total of 95 unique topics (Appendix K) organized into 34 groups that are presented in Figures 1- 8 in Appendix J. The topics were assigned a total of 308 times to specific comments provided by interviewees over the course of the three interviews with assignment rates varying between 1 and 12.

History, Mandate and Organizational Structure

Interviewees were asked to describe the history of how the office came into being, including reference to any significant events. Their responses generated a total of 28 topics grouped into two subjects entitled Impact of Kingston Riots (C1.1) and Impact of

Auditor General Report (C1.2) that refer to two events that had a significant impact on the creation and evolution of the OCI.

Impact of Kingston Riots.

The riot resulted in the deaths and injury of some inmates and correctional officers who worked at the penitentiary as well as significant damage to physical facilities. In the description of one of the interviewees

...it was a very, very bloody riot at Kingston Penitentiary in 1971. There was loss of life, inmates killed other inmates, guards were held hostage and tortured, it was massive destruction of property, a very sad and tragic chapter in Canadian correctional history.

Following the riot correctional staff members and inmates of the Kingston Penitentiary were moved to Millhaven, a new institution that had been built but had not yet been opened and was not fully operational. The interviewee from EX described the reason for that move and some of the events that attended it (C 1.1.2)

(Correctional staff and inmates were moved to Millhaven to)...continue the security function of the inmates while they were being temporarily housed there while Kingston Penitentiary was being rebuilt. As those inmates were bussed into Millhaven and taken off the bus and walked into their new cells, the guards had arranged themselves in a phalanx and had armed themselves with batons. As the inmates walked through the yard they were beaten by the correctional officers. That was also a shameful incident that occurred.

The federal government in 1971 established the Schwackhammer Commission of inquiry (C1.1.3) to examine the causes of the riot and make recommendations for the way forward. Interviewees made reference to some of the recommendations from the Commission, specifically those regarding the formation and subsequent establishment of the OCI. Those comments as well as those captured in Underlying Causes of the Kingston Riot (C1.1.6) are reflected in the following quotation.

The commission of inquiry determined that the underlying causes of the riot primarily had to do with the inability of the correctional service to appropriately respond to legitimate grievances and concerns around conditions of confinement. Things had deteriorated so much that the inmate population felt that they had no other choice than to take direct action to have their grievances heard and addressed. There are all kinds of stories around arbitrariness, lawlessness, abuse, harassment, all at the

hands of the prison and being directed at the inmate population. The report recommended a number of things including the creation of what was known as a visitors program based on the United Kingdom model of visitation. That eventually generated a debate around a much more robust prison oversight mechanism.

Interviewees also noted the formation of the OCI commission of inquiry (C1.1.4) that arose out of the recommendations of the Schwackhammer Commission. The OCI was established under the Inquiries Act as an ongoing commission of inquiry reporting to parliament in the form of the Office of the Correctional Investigator (OCI).

In 1973, remember the riot took place in 1971, in 1973 the government responded to the recommendations (Schwackhammer Commission) by creating the Office of the Correctional Investigator. They initially did so under the Inquiries Act of Canada and established the office as an ongoing commission of inquiry reporting through the Solicitor General at the time to parliament. So it was not a parliamentary office, and at that point did not have statutory authority but was seen as a commission of inquiry on a permanent basis.

The OCI was not a parliamentary office, and did not have statutory authority, but was viewed as a commission of inquiry on a permanent basis and continued to carry out its functions under those terms of reference for many years until the introduction of the Corrections and Conditional Release Act (C1.1.5). Interviewees referred to the introduction of legislation passed by the federal parliament to establish the OCI as an independent public service office reporting through the Solicitor General at the time, and now Minister of Public Safety, to parliament.

Fifteen years later in 1992 the Corrections and Conditional Release Act (CCRA) were proclaimed. The Corrections and Conditional Release Act represented a consolidation and rewriting of correctional law in Canada, primarily to make correctional law consistent with the charter rights and freedoms that had been passed a few years before. When the charter took effect the Prisons and Reformatory Act, the Penitentiary Act were all largely ultra vires of the charter, so the CCRA was developed to make it consistent with the charter. Part three of the CCRA established the OCI and finally gave it legislative authority and clarified its legislative mandate.

Impact of the Auditor General's report.

The final significant event interviewees noted in the history and development of the OCI

(C1.2.1) was in reference to the Auditor General of Canada's report that was highly critical of the leadership and overall functioning of the Correctional Investigator who preceded the current Investigator. The 2006 audit of the OCI found many problems related to financial management, financial accountability, management of the organization, and human resource policies, procedures and practices. As an outcome of that report Mr. Stewart, the Correctional Investigator at the time, was not renewed for a subsequent term and the OCI was given two years to respond to the recommendations, resolve the criticisms, and improve the reporting and operational processes.

Interviewees reported that a significant amount of time, effort and resources were applied to the challenge of reorganizing the OCI and developing comprehensive policies, procedures and management processes that were intended to resolve the criticisms that had been made in the Auditor General's report. In the view of the interviewees those efforts were largely successful and the OCI now is viewed as one of the most rigorous small agencies within the federal government, and one that is well equipped with the existing policies, procedures, processes and the internal rigor to conduct audits.

Accountability

Following the discussion about the influence of historical events, interviewees considered the OCI terms of reference, its mandate, authority, and reporting and accountability mechanisms. Interviewees cited the formation of the OCI in 1973 under the Inquiries Act as the legislation that provided for the mandate and initial source of authority for the office (C.2.1). The terms of reference (C2.2) described the purpose and role of the OCI to investigate and resolve problems of inmates in federal prison institutions. It provided broad powers to the Correctional Investigator to carry out those investigations including access to facilities, access to information and expressions of confidentiality that result in the OCI being an independent body with the capacity to carry out the investigations.

Power to recommend.

The power to recommend (C3.2.5) refers to the fact that legislated mandate provides power to the OCI to make recommendations based on the results of investigations that the

OCI has conducted. Although these recommendations are non-binding, they can be delivered in a number of settings that attribute a significant amount of influence to both the recommendations and the conclusions they are based on. That aspect of the topic can be summed up in the following quotation.

Usually more difficult issues require ... senior executive staff to deal with the senior headquarters staff of the Corrections Services of Canada or for the Correctional Investigator himself to deal directly with the Commissioner or if not satisfied with the Commissioner then the Correctional Investigator can go directly to the Minister of Public Safety. If the Correctional Investigator is not satisfied at that level the issue can be included in the OCI's annual report, and as a result would be delivered directly to parliament.

Public reporting.

Reporting to the public (C3.2.8) is a topic closely related to the power to recommend and captures the issues inherent in the authority that OCI has to provide information directly to the public in different forms. The following quotation exemplifies these issues.

The Correctional Investigator can also release any information publicly that he thinks is necessary to release further or give weight to the recommendations. The OCI does a lot of what we call public interest reporting as well. Not a special report as defined in the legislation nor an annual report, but special interest reporting. The Correctional Investigator then will issue reports on specific and significant investigations from time to time with the Correctional Investigator recommendation because it is believed to be in the public interest and the Investigator believes the public podium is a primary tool in an ombudsman's office. So, as a result, we can and we do conduct public interest reporting.

Own motion investigations.

The topic of own motion investigations (C3.2.1) refers to the fact that the Correctional Investigator has the authority to initiate an investigation into any topic that falls within the purview of the office, and can do that on his or her own motion or as a result of his or her own decision or choice, independent of any investigation or any request or direction to examine that issue. Interviewees point out that the Correctional Investigator is not compelled to give reasons either for the decision to investigate or not investigate any issue or topic.

Public Hearings and Subpoena

The subject refers to two separate powers held by the OCI, the first being the power to

establish and conduct public hearings (C3.5.1). The second provides authority for the Correctional Investigator to compel, under penalty of law or subpoena, those people who may have evidence, experience or knowledge relevant to the issue that the Correctional Investigator is investigating to appear before and answer under oath questions asked by the Correctional Investigator. Interviewees stated that neither of those powers had been invoked by the Correctional Investigator and provided the following rationale.

The reason we do not use subpoena powers and do not conduct public hearings is because these we believe are necessary tools and are important to have at the Correctional Investigator's disposal, however they would result in creating an adversarial environment that the Correctional Investigator believes would interfere with the primary role of the mandate which is to be a non-adversarial means of resolving disputes and complaints.

Immunity from prosecution.

The Correctional Investigator cannot be called to court in order to justify decisions and cannot be compelled in a court of law to provide evidence or information (C3.2.10). The condition is described succinctly in the following quotation.

The Correctional Investigator is “incompetent in law”, and so cannot be compelled to give expert testimony and cannot be subpoenaed to appear before the court.

Unfettered access.

Unrestricted access to CSC institutions is another topic closely related to the OCI power to initiate an investigation on its own motion. Unrestricted access (C3.2. 4) means simply that the Correctional Investigator has the authority to visit, speak with anyone and be able to view and assess any aspect of institutions that are operated by CSC. That access is summarized in the following quotation.

The legislation gives the Correctional Investigator what I refer to as golden key access. The Correctional Investigator can go anywhere, see anyone, talk to anyone, or see anything in relationship to an investigation that is being conducted. So that means any part of the Correctional Services of Canada. In fact, even broader than that, the Correctional Investigator can use the statutory authority to request information related to an investigation from police agencies or medical information regarding individuals for example which makes it a very, very broad access in law.

Operational capacity.

For an office to establish and maintain autonomy (C3.2.2) it needs access to sufficient resources to organize support and carry out the functions for which it is responsible. In the case of the OCI there is a legislative requirement to provide adequate resources that does not exist with other smaller agencies. In the view of interviewees that requirement has had a significant impact on the extent to which the OCI has established and maintained autonomy. The issue is described in the following quotation.

The legislation covering the Correctional Investigator actually requires government to provide resources to the OCI to the level that the Correctional Investigator has concluded is needed or required. It does not mean that the Correctional Investigator can arbitrarily demand any level of resources, but it does provide an opening for discussion and over a few years the OCI has put together a business case that resulted in a Treasury Board submission and eventually in an increase to the OCI budget. So in essence you make your case, you demonstrate your value, and we were successful in doing that.

Compliance with reporting requirements.

Within the subject of compliance with internal government reporting and accountability (C2.8) interviewees explained that although the OCI is an independent organization in terms of how it carries out its mandate, like every other federal government institution it is required to comply with internal reporting requirements. Those include annual plans, annual priorities, departmental performance reports, and management accountability frameworks. It also includes reports on official languages, compliance with the requirements of the public service commission and being subject to audit by the Auditor General of Canada as well as the internal audit policies of the Comptroller General of Canada. Those accountabilities are in regard to administration and management, and the point was made specifically that they do not refer to or have any influence over the exercise of the OCI mandate.

Structure and Function

Following the discussion of accountability the focus moved to a consideration of the OCI structure and functions and the extent to which the structure might affect its capacity to carry out its mandated functions.

Response to complaints.

Individual offender complaints (C3.1.1) describes what is referred to by all three of the interviewees that individual complaints from people who are incarcerated in federal institutions is the primary line of business. Responses can be summed up in the following quotation.

We have a single business line, which is to investigate and bring to resolution offender complaints. We take that single business line and we bifurcate it so that we look at individual complaints, which are the bread and butter of the office. We will get 20,000 of those on our 1-800 number. Most of our resources are oriented to responding to individual complaints. Increasingly, we have structured the office so we have more capacity to do more systemic work and more of the public education, and communications. Predominantly though we are oriented toward the individual complaint and we have an intake section that does nothing but receive those complaints all day. They are busy with 20,000 contacts per year being handled by four people. That is busy but it does not count all the correspondence and all the support they provide in arranging for investigators to go on site.

Interviewees indicate that of the 20,000 or so complaints that the OCI receives about 2,000 of those result in what are referred to as full-scale investigations that can include all of the issues generally raised by offenders (C3.1.3). In addition to the individual investigations, interviewees indicated that another 1,000 reviews of incidents reported as use of force (C3.1.2) and approximately 100 reviews of reports of bodily injury or death in a federal institution (C3.1.5) will have been conducted.

The OCI's capacity to respond in a timely manner to those complaints, as well the conduct of investigations themselves (C3.1.4) are evidence in the following quote.

The timeliness issue is also something that is important when you are dealing with complaints. The response time is important. Things typically in a penitentiary environment are fairly urgent and what may seem to be a minor thing on the outside can be quite an important thing on the inside because of that environment. So we have set up performance targets in terms of response to either requests for information, or inquiry, or an investigation.

Prison visits.

In the next most frequently identified topic entitled, OCI visits to prisons (C3.1.6) interviewees explained how on-site investigations were conducted, with what frequency, and for what purpose. The following quotation summarizes that part of the functions of the OCI.

Our investigators go on-site and depending upon the level of classification of the penitentiary we visit them at different intervals. We know by experience that maximum-security institutions are the bulk of where we get our complaints and exhibit more tension and the likelihood of issues arising, so we visit those institutions four times per year. Medium-security institutions are visited anywhere between two and three times per year and minimum-security institutions we visit once or twice a year. Not only do we provide advanced notice that we are going to come and visit, and an offender can put their name on a list and subsequently come and meet with us to discuss their complaints or issues, but we also actively walk into areas where we know there might be concerns in terms of access to individuals or services. So historically we know segregation might be more difficult to access our services so our investigators are required to visit the segregation area in each institution in which they attend.

Public education.

Three topics arose within the subject of public education. The first is the in-service information sessions provided to Correctional Services Canada (C3.3.1) directly to inmates and to staff members at the various correctional institutes regarding the existence of the OCI, its purpose and its function.

The second and related topic refers to the efforts that the OCI makes in fulfilling its mandate of providing education to the public about the existence of the office as well as the purpose and function that the office carries (C3.3.3). A related activity has also been identified in the third of the three topics entitled Corresponding with inmate and citizen advisory committees (C3.3.2). The Correctional Investigator does maintain a corresponding relationship with inmate committees within federal institutions as well as the citizen advisory committees that are a requirement in every federal prison.

Systemic investigations.

Interviewees described conducting systemic investigations (C3.4.1; 3.4.2; and 3.4.3) as

the capacity of the OCI to identify and then carry out investigations on specific topics the Correctional Investigator believed had particular relevance to the overall constituency the OCI serves. The description can be summarized in the following quotation.

We identify priorities and themes for systemic review that include things like conditions of confinement, death in custody, particular needs of Aboriginal offenders or women offenders. These are intended to become thematic or systemic issues and we will do as many of them as we can. They tend to be more complex, more time-consuming, and more resource-intensive but the idea is that if we can resolve an issue at a systemic level we may prevent perhaps as many as a thousand calls for service in a year if we can be successful in fixing something in a systemic manner.

The final topic of annual and special reports outlines the authority held by the OCI to prepare and deliver annual reports on the functioning of and outcomes attributable to the OCI. The report is to be delivered to the Minister of Public Safety, who is compelled within thirty days when parliament is sitting to table the report. The OCI may also issue special reports that are judged by the Correctional Investigator to be necessary, but would not be appropriate to wait until such time as the annual report was completed and delivered to parliament.

Implementation and Environmental Challenges

Interviewee next turned their attention to the relationship between the OCI and the external environment, focusing on the following major obstacles or challenges the office faces and how the office responds to them.

Organizational capacity.

Organizational capacity (C3.6.1) refers to the ability of the OCI to carry out the specific mandate delegated to it by legislation. The infrastructure of the organization is seen to be key in exercising its mandate and authority, as exemplified in the following quote.

How does the structure enhance or detract from the ability of the office to carry out its function? It is a work in progress. We struggle with trying to keep a balance and concentrate very heavily on meeting the core mandate and not feeding the beast, the beast being the central agencies of government. We are pretty careful about that and believe we are striking a pretty good balance.

Another aspect of this topic is the means by which the OCI identifies and provides for the

infrastructure needed to carry out the mandate. That capacity is exemplified in the following quotations.

We tend to rely very little on in-house capacity and when it's necessary, we buy support services to enhance things like communication. We also rely a lot on service agreements with third parties to do transactional work on human resources, administration, contract procurement and those types of things. We have very little infrastructure in terms of backroom operations, instead we have put into place service agreements and memorandums of understanding with other providers and we administer oversight and monitoring of those. So we will contract with Correctional Services Canada to use their IT services because we need access to their databases anyway to do our work. We will have a contract with Public Safety Canada to do our contract or gain procurement, and (we) have a contract in place with the Public Service Commission to do our transactional work on staffing.

Resource and operational management.

The two topics, (C4.1.1) expanding call intake and (C4.1.2) enhancing call intake data collection described the challenge OCI faces in managing large volumes of inquiries from its constituents. Interviewees identified steps taken to expand the capacity for the OCI to receive, track and respond to telephone calls originating from prisoners and family members of prisoners located in federal institutions across the country.

An overwhelming majority of our human resources are full-time equivalent positions dedicated to responding to inmate complaints. We have a 1 800 line that is staffed during the day time and it takes messages in after hours. All offenders across Canada in federal penitentiaries have access to that line and we respond to the complaints.

Right now we are expanding our telephone hours so that we can become more available. Based on our call volume and we were able to trace the call volume by hour in terms of where it originates, how many calls and how many calls we are getting during certain periods. We are going to increase our ability to receive calls by 12% so that those calls that previously would have been directed to the answering machine we'll now be able to capture live with the extension of those hours.

This quote shows how and why the OCI would like to improve how it handles call volumes and assesses data:

That is an area where we are sort of weak. It is great to go out and collect all this information and go out and resolve these complaints, but if you cannot pull the data together to tell the story and pick out the larger

products, I don't believe we are being as useful as we could be. We are not making the best use of that resource for the government in terms of having an efficient and well-run system that contributes to public safety and is respecting the rule of law. That is our ability to tell the full story. We are all cognizant of it and we work to do our best, but that is where I see limits in that regard.

The interviewees also identified the terms and conditions of employment as an aspect of autonomy. (C3.2.6). The authority delegated to the OCI effectively enables the Correctional Investigator to exercise all the power and authority of an employer within the federal public service. That authority can be summarized in the following quotation.

The Correctional Investigator has been delegated authority from Cabinet that would normally fall to Treasury Board as the employer. The Correctional Investigator is a separate employer and is responsible for having its own policies as far as terms and conditions of employment. There is no union agreement here, we are all unrepresented and we have to ensure that there is some parity because we are recruiting people largely from within the public service. People are not going to come here if they have to give up all kinds of benefits. All of those things are pretty well documented. It is a lot of work to carry out that responsibility but it is important work.

The major challenge is to recruit and select candidates, who are suitable to the environment, and to support and encourage them to remain in the environment thereby providing capacity for the OCI to carry out its responsibilities.

In these types of organizations it is really a balancing act in my view. It takes a special kind of personality and a special set of skills because you are very much on your own. In some cases you are delivering bad news to people who outrank you significantly, who are often not in the mood to hear what you have to say and are not used to being contradicted. There are some challenges that go with that. The importance of staffing to that mandate is huge and it cannot be understated. You have to have the right people.

In a lot of places that is part of the puzzle but here it is a big part of the puzzle. You have to have the right people to do the job because otherwise they are unhappy. It is tough because you want an outside perspective, you want people who will bring something new, you do not want the recirculation of corrections people, although there is some value having some of that, you do not want all of that, but it is tough to know whether the person you are getting is really up for that. How do you know you are getting the right person?

Other topics that arose include resource limitations (C4.1.3) the OCI faces to support investigators' travel to federal institutions, as well as limits to the number of people that it (C4.1.5) can hire. The next two topics interviewees raised recognize concerns regarding the limitations of the case-management system (C4.1.7) and the limitations of contracting information technology systems (C4.1.8). The limitations of the case-management system can be exemplified in the following quotation.

I think we are really hamstrung in terms of information technology systems. We have a system that is a case-management system that has been around since 2003 or 2004. It is not anywhere what we need. It is almost useless. I do not want to sound harsh, but there is no ability to mine data. We are sitting here reporting on resolution of complaints from a population of 15,000 inmates in a huge organization that is one of the top four or five in terms of budget in the federal public service, and we are using (a) system that some high school kids could probably come up with, at least something on par. We cannot mine statistical data, so from that so you end up spending effort, keeping Excel on the side in order to have some statistics. That to me is an area that is really tough. Of course developing specific IT tools is big bucks and as a small office we just do not have it.

The related topic of limitations of contracting Correctional Services of Canada information technology systems explores some of those concerns.

We get our information technology services from CSC and they have all kinds of protections on their system that sometimes slows us down as we are working from the road. The systems are so slow for staff to get on board the system, to get access, that you are literally half an hour "booting up" in the hotel room, so it is because all of the protections that are built into it. We are cognizant of it, but the reality is that is what it is.

Action on recommendations.

Interviewees referred to the challenges that are experienced at times in getting the CSC to consider and act on the recommendations that flow out of an investigation (C 4.2.1). They differentiated between what tends to happen when individual investigators are dealing with specific complaints at the level of the institution itself, as compared to the process that occurs when systemic level recommendations are made to the CSC as an organization considering broader and more far-reaching recommendations. The following quotation highlights that differentiation and the correspondingly different responses.

I think we have our greatest successes at the institutional level. I think the biggest challenge, when you go farther away from the institution and start making recommendations for example on system issues to the national headquarters, on broad things it (becomes) more difficult to get a sense of more really responsive action plans in terms of addressing your recommendation. I think that is probably the biggest challenge.

In describing the dynamics that often accompany the suggestion or the recommendation for change at the individual or institutional level is exemplified by the following quotation.

I would say right now we are in a period where the relationship is not too bad. There are always little things and little incidents to some degree. The challenge is not to let them get in the way of doing the job. What I often find culturally is that CSC and this is what investigators are finding as well, if you raise something with a warden that first reaction will be defensiveness. A week or two later you will get an email that maybe they are implementing what you recommend. With a bit of reflection and a bit of time the defensiveness tends to go away, that sort of initial reaction tends to go away and then 'Gee, that is not a bad idea'.

Interviewees from the PA and Ops functions made reference on a number of occasions to both the documents as well as the process of the Arbour Report (C4.2.3) and the Ashley Smith Report (C4.2.4) as being significant factors in raising recommendations to CSC as well as to the Minister of Public Safety and the general public. These reports, in the view of the OCI, tended to bring attention to specific areas within CSC that the OCI investigations as well as the investigations pursuant to the Arbour Report indicated were necessary. Closely related to the identification of these types of reports is the question of the aversion to transparency that tends to occur within high-security organizations such as CSC.

I would argue historically when you are talking about those type of closed environments, law enforcement or security oriented organizations; it is very difficult for them to make progress and be open and transparent on their own. Left to themselves, it is very difficult to move toward progressive policies that are trying to achieve greater level of openness, transparency and accountability. Typically, those organizations make the most significant gains in that area following the intervention of either the court or a lawsuit, a tragic incident or an inquiry, and this is very true in corrections but it is also true in policing as well as in national security.

Culture of High-security Organizations.

The culture of high-security organizations (C4.3.2) addresses the observation that the CSC as well as similar high-security organizations tends to present a specific identifiable ethos, which is unique among organizations that serve and address publically related issues. The following quotation describes that type of culture evidenced within the CSC.

It (the culture) tends to be operational because of the issues they deal with. Managers at the local level, and this tends to go up through the organization, people who succeed in that organization are often people who are good problem-solvers, good in a crisis, and there is certain command and control element involved in managing an institution that you would expect, because you are managing five hundred people, five hundred unique individuals, and you have to protect their safety. So, when you say to someone 'Go' you have to depend on that person to 'go'.

So, there is a command and control culture there. It may have more democracy than some organizations, but it is certainly more similar to the RCMP and the Canadian Forces than other large public service organizations, for example in terms of respect for rank. People tend to move up because they are good in a crisis so, in that sense I find that there is organizationally, culturally, there is a defensiveness. I think at times, that sometimes has had an impact on the relationship with this office. At the present time that is not a real impediment, it is a reality but I do not think it is an impediment.

Comments made by interviewees indicate that the issue of organizational culture is not static but changes and evolves over time, and that both the oversight organization and the organization that's being evaluated or monitored tend to change and evolve in response to the dynamics that are inherent in that relationship.

I think the relationship has evolved over time, and there have been times when there has been lots of resistance, lots of tension. Now, to some degree, the Correctional Services of Canada is more used to us. It has been twenty years now that we've been working with the legislated mandate. I think too that we are probably more strategic in terms of the issues that are raised. Having a set of priorities helps overcome that learned helplessness response.

We try to be respectful as well, we can show up in the middle of the night and say we want to see the place, but we don't tend to do that. I think we would in situations where that was warranted, but we need to keep in mind that we are not criminal investigators. We are investigating complaints. Where they involve criminal matters they become the responsibility of

another body. I think this is more of a question that over time with our being a presence and being there I believe they have gotten used to us.

For the most part, the overwhelming majority of wardens are very cooperative and we now get proactive notification. In times past that was not so much the situation. It was more hit and miss and more wardens were not cooperative. But I think as well there is more of a presence of this office, and we are also probably visiting more frequently than years ago. The visits are not as sensational, and as a result I don't think people feel as threatened.

The final topic in the subject of desired change refers to observations that the internal labour relations climate within CSC (C7.6.1) can have implications for the population of offenders.

...we have a report called the Kent Report. ...that was the first time in our history that we actually flagged, we (had alluded to it) in past annual reports, but we actually documented labour disputes between union and management as having an impact on offenders. The labour environment in CSC is so challenging that we never commented on, we made the recommendation it is up to you to see how you implement it. But we finally documented that the labour relations within the CSC is such that it makes (the offenders) the people who pay the consequences.

The role of human rights in high-security organizations (C4.3.3) addresses the topic of how human rights relate to these organizations such as CSC, where offenders who are incarcerated in those institutions face severe restrictions on their ability to function, and the choices available to them.

It comes back to basic rights; and offenders check out their rights at the front door when they walk in. You actually have to re-arm them to get out of prison. Our job has always been to bring accountability to that environment, to push for more open, transparent and accountable decision-making within management, within Correctional Services of Canada. So we certainly see our job as being out there trying to push for culture that is respectful of human rights.

The coincidence of human rights in the context of the organizational dynamics and the culture within CSC institutions is evidenced by the following quotation.

You work in a closed environment where every single aspect of an individual's life is regulated, whether it is when they get up, what they eat, when they can see a doctor, who they can visit, and who can come in and visit them. Who they can

talk to and, because of the great deal of impact, every decision that the Correctional Services of Canada makes impacts somehow and some way on human rights. My view is that the business of corrections is the business of human rights. That is what we are trying to do here. We look at everything through a human rights lens. That enables us to prioritize our cases, so our investigators can focus on the most important matters. If the guy has lost his personal effects we can look at it, but we can (also) push it (CSC response) to the complaint and grievance system of the Correctional Services of Canada if it does not deal with the human rights component.

Public Perception of Criminal Justice.

The topic of public perception of criminal justice (C4.3.4) addresses the observation made by interviewees that the work of the OCI also has to take into account and respond to the public perception of fairness within the criminal justice system. The following quotation exemplifies that concept.

There is always a challenge arising from the political climate. This is not particularized to the government of the day, but there is always a challenge from the political climate when you talk about criminal justice. Criminal justice is always a political football. Right now it is a particular focus of this government. But there is always an issue of balancing the work that we do as opposed to the public perception of the work that we do. I find from time to time with members of the public, or even within the public service, having to answer questions such as 'Why is there an ombudsman for offenders?' There is just that reality that is a challenge that you take people through and usually by the end of the discussion they are pretty confident that it is the right thing to do, but you still have to have the discussion.

Demand for Service.

Interviewees noted a fourth challenge in that the OCI mandate compels it to respond to complaints arising from constituents and is unable to either control or predict the number, severity or pattern that it might be facing at any given time. The subject of unpredictable demand for service generated two topics. The first topic, Management of workload (C4.4.1), recognizes the persistent and ongoing challenge of responding to requests for service that the OCI experiences.

Workload is the major challenge. There is always more work than capacity, there is always more demand than capacity and you have to set priorities. We do set priorities around things like fundamental liberty issues. They come first. If we get a complaint, for example that somebody

is in custody beyond warrant expiry that takes priority over most other things. So one issue is sheer workload.

A related issue is the need for the OCI to respond to issues that arise from the workload and that can affect the capacity of the organization to manage resources.

The other challenge is a lack of predictability. One complex case can alter your work plan and sometimes for years. Dealing with the death of Ashley Smith for example in October 2007 is still taking significant resources within the office. One very high profile, very complex case and as a result there is a lack of predictability. I can tell you that as tragic as Ashley's case was, and is, it is not unique in its complexity. There are others that we have had to deal with and there will be others that are coming that we will deal with but of course you cannot predict when. Workload and lack of predictability.

Developing Professionalism, Fairness and Consistency in Operations.

Professionalism is viewed from two perspectives: that which is internal to the OCI (C7.5.1) and its impact on the external environment (C7.5.2). Developing and maintaining a high level of professionalism from an internal perspective requires an investment in skills training, an awareness of the challenges of the work environment, and the development and effective communication of clear policy and procedures that takes into account the objectives of the job. From an external perspective, professionalism depends on having access to the skills and resources required to produce what the OCI needs to communicate effectively with government and the general public. Achieving that balance requires a combination of internal development as well as the capacity to identify and secure specific expertise from outside the OCI when it is required.

The subject of fairness and consistency in conducting the operations of OCI is the fifth challenge identified by interviewees. The most frequently mentioned topic of Enhancing investigation and analysis skills (4.5.3) addresses the challenge that the OCI faces in terms of ensuring the highest quality of investigation and analysis in response to complaints and systemic investigations. Interviewees recognized it as a significant factor that the OCI is required to address, and comments from interviewees describe efforts made to deal with that particular challenge.

One of my concerns ... was about the quality of investigations, we needed to bring more rigor and over the past year we have developed an investigation manual. It is very difficult to hold people accountable when you want to talk about accountability, if you do not have clear expectations and guidelines. It took about two years to get some of those documents like this investigative manual completed, but once you have that you can hold people accountable, and if they are not performing you can document that and help them improve their performance. And that has been a huge amount of work.

The quality of writing and correspondence has improved generally, in terms of correspondence between investigators, senior investigators and wardens as a result of training. We have been really fortunate in that, and it is an area where we are making progress. In the past it was just (explained by staff members as) 'the way we did things' or 'this is the way the last person did it' or 'this is the way the guy that was here when I came did it'. It has been tough to change that and there is a bit of a David and Goliath dynamic here. Correctional Services of Canada is such a big organization and is so resource rich and can crank out all sorts of policy manuals, more policy than staff is capable of following. And yet, here is little David down here and we are so busy putting the rocks in the slingshot that we do not have time to write the policy. But I think it is an area in which we are growing and making real strides.

Developing investigator skills in conducting investigations and carrying out relevant analysis is a complex task (C4.5.1) that requires balancing the application of individual initiative and judgment with the organizational objective of maintaining consistency in content over time. Interviewees recognized that individual investigators are required to work, in some cases on their own. Yet there is recognition that as an organization, it is incumbent upon the OCI to respond consistently to situations and be able to ensure that the same principles and values are being applied, regardless of the context in which the work is being done.

There are a lot of human elements at play that are difficult to quantify, but essentially I think the challenges that we have is how do you have some measure of concordance, in that you want to preserve peoples' autonomy and their ability to use their judgment and empower them to investigate and to go where the facts take them. But, at the same time you want to have some consistency in terms of outcome and approach. What we have tried to do here is establish priorities for the office in the context of what things do we really need to focus on.

Initially we had a little bit of resistance on some things, but I think as result of consistent implementation it has gotten better, and I think people are seeing a difference. Sometimes there are things that we have always done a particular way and maybe that is a good way to do it, but let's just get that down so we are consistent and clear. I think the thing is consultation and consultation is tough in a small office, because consultation does not mean we are all going to do exactly what someone else wants us to do, and no thirty-five people are going to share a brain and agree on everything, so to some degree that is tough. But we have come a long way.

The last topic in the subject of operational fairness and consistency addresses the need to effectively apply the principles of administrative justice (4.5.4). This issue speaks to the challenge of applying consistent criteria to the investigation of complaints and managing the process of consistently bringing forward recommendations from individuals, often working in isolation.

In terms of policy Correctional Services of Canada can have a policy and we can look at that issue and say 'Yes, you are in line with the policy. You are compliant with it.' Yet in this case the policy is just not practical, the application here is just not practical. It can be policy and not be fair. That is the sort of distinction we have to make, but we have to do that taking into account the whole of what we are examining, and we have to balance fairness, not advocating either for or against it. But rather, you are on the side of fairness and in the end that brings about more consistency in terms of resolving complaints.

I think when you go after the organization and in this case Correctional Services of Canada and say 'You are not complying with policy here, and you need to do this for this guy' and then in your next case you go forward and say 'I know you are complying with policy, but I want to see this.' Well, that just creates learned helplessness on the part of the organization. 'We just can't please you guys, you are not reasonable.' We cannot beat them with the stick of compliance and then beat them when they comply.

It is not a challenge in the sense that it is dysfunctional. It's just the case that the people in the shop (OCI) are so independent in terms of being out, doing visits, dealing with complaints, often being on their own and often using their own judgment. I think the way we have to deal with this is to have good strong messaging in place in the office. We need good communication between directors, managers and investigators, and investigators themselves have to venues where they can talk to each other. The question is how do you keep a positive supportive workplace and organizational culture intact amongst that group so they are supported in that work? Some of the issues they face and the climate they deal with can

be emotionally draining. How do you manage all that and keep the perspective on fairness and on the mandate of the office?

Mandate.

The three topics that interviewees raised within the subject of mandate address awareness of the strengths and limitations inherent in the relationship between the OCI and parliament, and identify potential mechanisms of addressing additional concerns while maintaining the integrity of the relationship. Interviewees (C7.1.1) focused on the reporting relationship between OCI the Minister of Public Safety and parliament and in the interests of seeking greater clarity suggest a modification to the current procedures.

I think what I would change first and foremost is our reporting relationship. I think it needs to be clear. It is not bad. We are in a statute so we have statutory authority. It is clear that we write a report that ends up on the desk of parliamentarians. It is clear that that is public. Those are all very important. It is clear that the Correctional Investigator is unfettered in terms of his ability to communicate with the public and that's great, but what could be better is this "report through" issue. Instead of reporting through the Minister to parliament I think the office would benefit from a direct reporting relationship to parliament. In other words, this office should become a parliamentary agent. It just makes things clearer, and in fact I think it would reflect the reality of how we operate.

Inspector General.

In the second topic of this subject interviewees describe the concept of an Inspector General for prisons (C7.1.2) and consider its application to the current environment.

I would like to explore the development of a parallel office and by that I mean, for example, in the United Kingdom there is an office, the ombudsman for prisons and probation, but there is also an Inspector General for prisons. That Inspector General has a very different function. While one is a complaints resolution process, the other is a compliance monitor, and I think that is a very good model. I would like to explore that, and think it would be useful to have a parallel office whose job it was to focus more on inspections and compliance.

The final topic raised on this subject is that of Oversight of reports on death in custody (C7.1.3).

For example if we go back to the United Kingdom's office of prisons and probation they have a statutory mandate to investigate all deaths in custody. We do that anyway. But we do it without the express mandate and the required resources. So, perhaps that is one thing we would look at.

Optional Protocol and Convention against Torture.

Reflections on Canada's role in the international aspects of oversight of prisons and prison populations are captured within the subject of the Optional Protocol and Convention Against Torture. The subject generated two topics, the first of which addresses Canada's endorsement (C7.2.1) and the second considers inspection of prisons and detention centres (C7.2.2).

Another issue we could look at would be the fact that Canada has not yet signed onto the optional protocol against torture. The optional protocol against torture requires an external monitoring body in all places of detention and it would be interesting to think about what role this office would play should Canada become a signatory to that optional protocol. That would mean that this office would have some responsibility for looking at all places of detention including immigration holding centres and policy lockups and provincial jails. These are some of things that I would like to explore.

Prisoners' Access to Justice.

Subject 7.4 refers to observations that are related to prisoners' access to justice and the larger context of human rights. In the first topic interviewees noted the consequences that arise from the limited access to legal representation that most prisoners enjoy.

There is very little litigation. Why is there no access? Legal aid rarely grants certificates. Very little pro bono work is being done. If they (legal profession) do pro bono work they prefer doing it with recent immigrants or some other cause, but not prisoners. I think there is a real lack of engagement by the legal community to advance that compliments ours.

The promotion and protection of human rights as it applies to the prison population was the focus of the second topic, 7.4.2, In the view of the PA function, the increased emphasis in recent legislation on accountability and punishment agenda for offenders, tends to promote a climate in which the human rights of prisoners may be devalued and that in turn may result in prisoners facing increasingly restrictive terms of entitlement to early release.

CSC Governance.

The topics identified in the subject of Changes to CSC Governance refer to specific concerns about prison populations as well as internal CSC procedures that in the opinion

of the interviewees bear consideration. Three topics were identified in this subject the most frequently mentioned being independent adjudication for segregation (C7.3.2) followed by a deputy commissioner of Aboriginal issues (C7.3.1) and the fact that Correctional Services of Canada investigates its own internal issues (C7.3.3)

Interviewees expressed interest in CSC adopting a change in the process of adjudication in situations where inmates are put into segregation, and subsequently isolated from the majority of the prison population.

The Correctional Services of Canada has not moved on independent adjudication for segregation. So, that for us is a big-ticket item where we certainly are convinced it would fundamentally enhance the Correctional Services of Canada's ability to meet its human right obligations.

I will give you an example and one is segregation. We put forward a proposal that said after thirty days you (Correctional Services of Canada) have to let him (prisoner) out. An independent adjudicator would come in and say 'Let him out.' If you really feel that you can legislatively justify your continued segregation based on the criteria in the Act, go ahead. But if it is just because it is easier to do that, it is not good, and in that case I think you should lose the right to keep the guy in segregation. You are incarcerating over and above incarceration and no one else has that kind of authority. Nobody else has that kind of administrative authority to confine someone, and that is very serious. On that one there are times when I would love to just be able to say 'You cannot do that!'

The following quotation demonstrates the themes inherent in topic of a deputy commissioner for Aboriginal issues.

I think frustration remains on some files regarding an inability to get Correctional Services of Canada to move forward. There are recommendations that go to the heart of openness, transparency and accountability of the Correctional Services of Canada that we have not made much gain on. Some of them deal with recommendations dealing with governance within Correctional Services of Canada and, for example, we have recommended that they have a deputy or assistant commissioner for Aboriginal issues in order to bring more corporate focus on that issue, and they have not moved on that.

Interviewees' observations and concerns regarding the authority and practice of CSC conducting internal investigations (C7.3.3) appear in the following quote.

Under the Act, they (CSC) investigate themselves. When there is an

incident within a penitentiary the commissioner convenes a board of investigation, and some people criticize that. I say you can't really criticize that because that is the scheme parliament put in place. Having said that, I am not sure that model is 100%, and I don't say that is done in bad faith... but I do feel that there is a tendency to sympathize. That is human nature again, and even though there are outsiders on the boards, some of them are retired CSC people, and I understand they know the business.

It is the same as with cops investigating themselves in the community. I understand it at some level, but the other side ... it is easier to say we have an outside community member on the board. But if you have a strong leader type of personality, who is a former or current CSC executive it is pretty hard as an outside community to contend forcefully that, "I disagree with the direction you are taking".

I myself have been on boards of investigation where the chairperson went in, sat down and the whole direction they took; I thought "That is not consistent. How are we to act?" but they are the chair. What do I do? Go phone the commissioner and say, "I don't like what the chair is doing." Who is going to win that?

Institutionalization and the Way Forward

The subjects raised in this section highlight aspects of the impact that OCI has had on the way in which the CSC manages its operations and treats inmates of federal prisons. They also provide an indication of the extent to which OCI has been institutionalized as part of the larger organizational framework of managing and overseeing prisons and prison populations.

CSC Policy Changes.

The impact of the OCI on policy changes within the CSC (C6.1.1) is summarized in the following quotation.

We have seen lots of policy training initiatives, policy around cultural sensitivity issues, policy around gender issues, policy around use of segregation, around dealing with mentally ill offenders, policy around communication with families when there is a serious bodily injury or death in custody. Lots of this policy, procedure and training have come about as a result of our investigative work and the recommendations we have made. Even things like routinely reviewing use of force material have come out largely as a result of the work of this office over its thirty-eight year history.

We have also made recommendations to the Correctional Services of Canada's own internal complaint and grievance system and they have actually acted upon our recommendations. So we have them calling their internal inmate complaint and grievance system dysfunctional, and have made recommendations in terms of timeliness and fairness.

One of the key recommendations we suggested to them was to introduce mediators at every institution with a grievance coordinator and a grievance clerk to try to resolve matters at the institutional level. We know from experience that the penitentiaries pay particular attention to grievances and are actively involved in trying to resolve them, and usually can do so quite effectively. It has an impact on our workload because if the grievance system is dysfunctional then the offender comes to see us, and does not want to have anything to do with the Correctional Services of Canada grievance system.

The topic of the institutional level response (C6.1.4) is reflected in the following quote.

I think the challenges for us, and I think we have a pretty good batting average when it comes to resolving matters at the institutional level. When we get a complaint, we contact the institution we work it out with the warden. We are pretty effective at it. If there is something that is not in compliance with the law or the decision seems to be unreasonable or unfair or whatever it may be. I think we have our greatest successes at the institutional level.

Interviewees indicated that in their view the level of professionalism within CSC (C6.1.3) has improved, and that has a corresponding effect on the safety of communities.

Things like routinely reviewing use of force material have come about largely because of the work of this office over its thirty-eight year history. I would think we have made corrections in Canada more professional and I think we have made corrections in Canada safer. I think we have increased the capacity of Correctional Services of Canada to do a better job and so I think Canadians live in safer communities as a result of that.

The final topic identified is the implications of the rule of law regarding safety (C.6.1.2) that has been identified in the following quotation.

Is there a straight line relationship between one of my investigators in a meeting room in a penitentiary somewhere on the prairies and the fact that a crime was not committed last Tuesday night someplace? I am never going to draw that line. But clearly accountability and oversight of an agency to deprive people of their liberty is a necessary function and the rule of law is fundamental to democracy. So ensuring the rule of law

extends within prisons as well is a democratic value and I think we contribute to that.

Establishing Credibility.

Interviewees identified three closely related topics within the subject regarding effective communication and credibility. All of the topics (C6.2.1 – 6.2.33) refer to efforts put forward by the OCI to develop and maintain credibility by identifying and pursuing meaningful objectives in a balanced and objective manner that has garnered a substantial degree of respect.

We have gone through this strategic planning exercise and came up with our six corporate priorities: death in custody, mental health, Aboriginal communities, Women, and so on. I think now when we speak to the media there is no questioning about the credibility of our office. In an environment that is highly politicized and critical, to be sought after as fair and not be seen as advocates, which is difficult sometimes for an ombudsman's office to do, because they're often seen as advocates. We call things for what they are and we try to be as evidence-based and fair in our portrayal of issues. I think it is about that, I think it is about bringing maturity to an office. You have to realize that we are in a business where there is very little sympathy for offenders. There is the fact that there is a mechanism to complain, and that has also been questioned because of the population we deal with. But despite that we have been able to be real. I think we have been able to be very strong at raising our issues and doing our job as an ombudsman office, and I think that is quite an accomplishment. I am quite proud that more and more people know who we are, and that we have added value.

Response to emerging issues.

Reference has been made in earlier sections to the highly variable environment and challenge the OCI faces in responding to complaints and issues it is presented with. Interviewees have identified three topics within the subject of emerging issues that are based on the constituent population it serves and a fourth that reflects the OCI internal environment. The most frequently mentioned topic concerned the use of segregation in the treatment of inmates in federal prisons (C6.3.3).

The opportunity to segregate inmates is another area, I don't think we have won on that but we certainly have been able to keep that on the agenda, the importance of oversight, the importance of trying to minimize the use of segregation, and conditions of confinement. Right now double-bunking, while it is increasing we're working hard to keep that as an issue, to

minimize that. It is something inmates have raised again and again. I think there are things like that where we have had a bigger impact.

The use of force in federal institutions (C6.3.1) can also be a controversial topic and perceptions of the impact the OCI has had in that area appears in the following quotation.

There was a recommendation coming out of the Arbour Commission that we review all incidents of the use of force. I think that has become more professional, the practices used in CSC have become more professional because of that mechanism. There is more respect given to process, and to respecting the rights of inmates in terms of how that is carried out.

Efforts put forward to identify and respond to the needs of members of minority populations (C6.3.2) held in federal institutions form the basis of the third topic.

I would say as well we have had an impact in raising certain issues around deaths in custody. The Ashley Smith case being one, but generally in terms of deaths in custody. Also in terms of special populations, aboriginals, women. I have already spoken about, older inmates, mentally ill. We have raised those issues that are part of the dialogue on corrections on the policy front the bigger policy realm.

The final topic in this category is the capacity to identify and respond to internal OCI needs (C6.3.4). This refers to the observation that within the OCI there are challenges that need to be faced and how that is done can affect how investigations are carried out. The following quotation describes the process that's been initiated within the OCI and some observed effects from that.

We had this recently with the change in the phone hours and their implications for staffing. We sat down in a room and said 'This is where we have to get, how do we get there in a way that works for you?' ... You tell me what would work.' We had a great outcome from that. They had a great idea that we had not even thought of, and I think it is a good proposal to try and we are going forward with that. We're doing things that make sense.

Another thing we did a couple of years ago, and at the time this did not go over so big, but over time it is getting to be welcomed. We established working groups of staff and said 'How do you think we should do this?' For instance managing information. So, even though we are seeing the results later because we did not have time to jump right on it, but the fact that they had a bit of an oar in the water has helped. In the sense that you have policies and procedure that number one, you can do, there is going to

be some growth and there is going to be some stretching, but are those policies real, are they practical and are they going to work? The objective is to do X. Does this do X? You are the senior investigator you tell me, if it doesn't, then let's do something else.

Summary

Interviewees reported a series of violent events that took place leading to a public inquiry that recommended an ongoing commission of inquiry be established with authority to oversee the administration of federal prisons. The OCI was formed in response to those recommendations and some years later received a legislative mandate with corresponding authority. A critical report from the federal Auditor General in 2006 identified a number of significant problems with the OCI and made recommendations for improvements to its human resources, administrative and financial management systems. Over a two-year period OCI corrected the identified problems and developed the capacity to sustain effective ongoing management practices.

The current OCI is responsible for receiving, identifying, investigating complaints and working with CSC to resolve those complaints arising from inmates of federal prisons. The Correctional Investigator holds authority to gain unfettered access to facilities and information, conduct investigations, and make non-binding recommendations for corrective action to CSC. The OCI reports to parliament through the Minister and has capacity to report to the public on matters of public interest, including cases of unsatisfactory response from CSC. The OCI acts with impunity and although it has never been exercised, it has authority to conduct public hearings and subpoena witnesses. The federal government is required to provide the resources necessary for OCI to carry out its legislated mandate with equivalent to Treasury Board authority and responsibility as an employer.

Interviewees identified the receipt of and response to complaints received from inmates as its primary line of business. However, they noted it also has responsibility to conduct regular visits to prisons and to provide education to the public, including inmates and CSC staff members. OCI investigations include

those focused on individual complaints that are largely resolved in consultation with the staff at the particular prison, but can be expanded to systemic investigations of more general problems affecting a larger portion of the prison environment. The OCI has authority to make non-binding recommendations for corrective action to CSC and report to the Minister or the public about the outcome of its recommendations.

In discussing its implementation interviewees noted the significant positive effect flowing from the requirement to provide OCI with its requisite resources. Interviewees also described ongoing challenges OCI faces in meeting its obligations as an employer and in managing resources, particularly those related to human resources and information systems. Interviewees also noted the challenges that are presented in working with a closed, command and control type of high-security organization that CSC represents. The OCI has established and maintains effective productive relationships on an individual and institution level. However, larger system-wide problems such as prisoners' access to justice and human rights, response to minority populations in prisons, the use of segregation in prisons, CSC governance, its capacity to investigate its own actions and the state of CSC labour relations have proven to be much more difficult to resolve.

The external environment in which OCI operates also presents challenges such as the impact of public perception of criminal justice. In the absence of large-scale efforts such as the Arbour and Ashley Smith reports, it is difficult to secure public support and the administrative will to change the way prisoners are treated and prisons are managed. OCI also faces ongoing internal challenges developing and maintaining a high level of professionalism and the capacity to identify and pursue the application of administrative fairness in response to emerging issues and unanticipated shifts in demand for service.

As OCI evolved it has become increasingly institutionalized in the context of the larger criminal justice system as evidenced by the significant changes that its

efforts have facilitated in CSC policy and governance in areas such as “...training initiatives, cultural sensitivity issues, gender, use of segregation, dealing with mentally ill offenders, communication with families when there is a serious bodily injury or death in custody, introduction of mediators, grievance coordinators and clerks at every institution...”; as well as the increased level of safety and professionalism within CSC that may contribute to some extent to citizens enjoying safer communities.

The challenges of public perception of criminal justice notwithstanding, interviewees report that OCI has developed a high degree of credibility in the field, and is acknowledged for its role in identifying and responding in a fair and balanced way to significant emerging problems.

Chapter Eight

Implementing Conflict Resolution in the Office of the Veterans Ombudsman

Introduction

The Organizational Assessment interviews were held in the office of the Veterans Ombudsman (OVO), which is responsible for managing and delivering the ombudsman services to veterans of the Canadian Forces and clients of Veterans Affairs Canada. The interviewees were divided into three groups that represent the major divisions of responsibility within the office:

- Executive (EX) – strategic direction, organizational design, external relations;
- Policy and Administration (PA) – policy development and senior administration; and
- Operations (Ops) – supervision and delivery of direct services to clients.

A total of three interviews were conducted that included one member from the Executive function, one from the Policy and Administration function and one member of the Operations function. The interviews were organized around the ten questions in Appendix D that examined organizational history and development; goals, functions and structure; organizational culture; and institutionalization. All of the interviews were taped in digital audio format with the permission of the interviewees and lasted from 48 minutes to approximately 1 hour 41 minutes.

The digital audiotapes were transcribed into text files that were used to conduct qualitative thematic analysis. Iterative thematic analysis revealed a final total of 85 unique topical codes organized under 33 subjects that are presented in Appendix I, Figures 1- 9. The codes were assigned a total of 443 times to specific comments provided by interviewees over the course of the three interviews with code assignment rates varying between 1 and 21.

Development History

The office was formed in response to specific policy decisions, as was the case with DGADR. Unlike DGADR the formation of the OVO was precipitated by internal as

opposed to external events. Interviewees noted that the New Veterans Charter and the Veterans Bill of Rights (C1.1.3), which were created before the OVO, fundamentally changed the nature of benefits that veterans may be entitled to, and brought dramatic changes to how those benefits would be administered. To ensure that the Veterans Charter could be enforced, the bill of rights was passed as accompanying legislation that laid out the rights and entitlements veterans could expect to receive.

Interviewee comments with regard to terms of reference (C2.2) indicate that the Order in Council appointment giving rise to the Veterans Ombudsman is similar to that of other ombudsman offices in the federal government. Its purpose is to ensure fairness in the treatment of veterans as well as fairness in how benefit programs are administered and how access to those programs by eligible constituents is managed.

Reporting relationship.

Interviewees indicated that the Veterans Ombudsman reports directly to the Minister of VAC in the form of an annual report that is delivered to the minister, who tables the report in parliament. Interviewees also observed that the Veterans Ombudsman, as is the case with many other ombudsman offices, does not have the power to compel specific changes or compel the ministry to take action. The power is to recommend, its effectiveness resting on the capacity for moral suasion. Interviewees did comment on the notion of moral suasion and the contrast between possessing legislative authority to compel people to change decisions, subpoena witnesses or take evidence under oath.

There has been a question of how independent a Veterans Ombudsman can be because it lies administratively within VAC, and it reports to the Minister of VAC as well. It has no legislative power to do anything. It cannot subpoena, it cannot compel people to provide evidence. The question then is, how effective is this? This ombudsman believes that you can get everything done that you need to, just using moral suasion. You do not need to be legislated, in fact there is an argument to say that legislation might actually tie your hands more because when somebody knows they can be subpoenaed, suddenly you get a room full of lawyers backing up the questions.

Interviewees indicated that the Veterans Ombudsman has a dual relationship with the Minister of VAC (C2.5) referring to the fact the Veterans Ombudsman can go directly to

the minister in attempting to bring resolution to a specific complaint, and secondly that the Veterans Ombudsman has a role as advisor to the minister. The Veterans Ombudsman is seen as having a capacity to bring forward relevant issues to the minister.

Structure and Function

Interviewees were asked in the third question to consider what functions the office performs and how its structure might enhance or detract from its ability to carry out those functions. The question gave rise to the following six subjects:

1. Resolving individual complaints;
2. Research and investigation;
3. Systemic investigations;
4. Public Education;
5. Own motion investigations; and
6. Infrastructure.

Resolving Individual Complaints.

A slight anomaly appeared in how interviewees described the first level assessment of individual veterans' complaints (C3.1.1) The EX function identified the first level of functioning as the provision of education and information to the public, whereas Ops and PA viewed the first level of assessment as being the early intervention section that receives the complaints either by telephone from veterans or via the website or email or letter.

In commenting on the topic of function (C2.3), interviewees spoke specifically about the role and responsibility of the Veterans Ombudsman. The first aspect of that role is to inform and educate the public and the specific veterans who form the constituency, as well as the staff members in VAC who have a responsibility for assessing eligibility and entitlement and administering the benefits that are intended to accrue to veterans.

Obviously the first role is to inform and educate. So our first level of intervention is to make sure that people who do not know where to turn are given direction and instructions regarding programs which are available to them, which could be outside the federal machinery (and

could include provincial or municipal levels. Our intake officers are well versed in that aspect of where people need to go, and are able to inform and assist at this first level.

In the second topic interviewees referring to the early intervention section (C3.6.2) explain the importance of maintaining regular and effective communication and hence why the bulk of first level intervention services are located close to VAC headquarters.

One of the things that an ombudsman office does is to cross boundaries. The VAC is stove-piped, like all large bureaucracies that have some level of it, but from my perspective this department is more stove-piped than most. Sometimes they cannot see the interrelationships between the programs, so one of the things that we have done is to get a broad sense and a broad base of access across the department.

An additional function of the early intervention section indicated by all the interviewees is to receive, assess, classify and, where appropriate, respond directly to the complaint in an attempt to resolve it at the lowest possible level. While describing the sources of complaints (C3.1.4) interviewees indicated that the information about specific complaints arrives at the VAC through a number of channels, including the frontline 1-800 toll-free telephone number and complaint services resolution representatives, as well as the case management tracking system, media outlets, the online or electronic-based complaint forms and through social media channels. There are two offices, one in Ottawa and one in Charlottetown, but interviewees indicated that it is very rare that an individual would go to the office to lodge a complaint.

The actual operation of the complaint resolution section was described this way:

We work with VAC to try and resolve the issue at the lowest possible level. We have had on average 10,000 calls per year, which results in over 2,500 cases, files that are opened and resolved through VAC assistance.

The first level of intervention is to determine jurisdiction, to actually see whether the solution is within VAC or if it is outside and would therefore warrant guiding people in that direction to gain access to what they need. If it is a complaint that has to do with the department, and is defined and identified as such then the next step is to get the facts from both sides, and to try to come to a resolution by bringing the two parties together.

At that stage our responsibility is to make the department aware of

exceptional circumstances because big machinery and bureaucracy have the tendency to treat everybody the same. So our frontline officers have to look at what the exceptional circumstances are and determine whether they are strong enough to warrant the department diverging from normal policies and procedures. And that is what we try to convince them to do, and we have fairly good results at that level. All of this work is done by client service representatives (CSR) on the front line.

Interviewees also described a process of assessing the complaint and transfer to the office of primary interest (C3.1.2). If the assessment done at the client service representative level concludes that the complaint falls outside the ombudsman jurisdiction, but appears to warrant intervention, the OVO takes responsibility for recognizing the nature of the complaint. It identifies the appropriate office or agency and helps the individual to get the assistance needed. The following quotation contrasts the type of intervention provided by the OVO and that which VAC appears to take more regularly.

One of the things we really try to do here is to make ourselves different from VAC where you would tend to get the 'Yes, you get a benefit or no, you do not get a benefit', approach, and we are not going to talk about anything in between. If it is not in our ballpark, the OVO ballpark, we try to get it to the right place as we call it 'a hot transfer' over to another agency. We do not say here is a 1-800 number. We actually phone the number to say somebody is on their way, and in that way we try to do something different.

Research and Investigation.

The third level of intervention (C3.2.1) involves cases of a more complex nature that require more intensive resources to achieve a satisfactory outcome.

Should the intervention need more than just one person in VAC to talk to then the complaint is escalated to a complaints analyst who has the capability to review policies and regulations and procedures, and maybe in this case suggest to the department that some change in procedure might affect more than one veteran.

This level of intervention would be the very sensitive and complex cases that are done here in Ottawa by our research and investigative team. These would be cases that involve many parties where in fact even the legislation needs to be challenged, and as you know to change legislation or to make regulatory amendments is a very long and arduous process. In the meantime it is important that we identify these things in the department. Sometimes if there is doubt about the regulation, about how the regulation is written it might help us in the interpretation of exceptional circumstances. If they (VAC) have agreed that there is a flaw in the

regulation although it might take a year to change it, in the meantime they will be a lot more liberal in their interpretation.

The process is very effective in that there are two levels of intervention, the complaints services representative informs and assists veterans directly and the complaints analyst actively works on resolving cases while the complex and sensitive cases come to Ottawa because the Minister of VAC is in Ottawa and accessible if there is a need to challenge regulations and do that sort of work.

Own Motion and Systemic Investigations.

A final aspect of the Ombudsman's investigative function is the capacity to examine subjects originating from sources other than the previously described channels. The following quote describes that function.

As (with) most ombudsman, the Veterans Ombudsman has the capacity to conduct 'own motion' investigations. So, if there is a particular subject that is of concern to the Veterans Ombudsman, whether it is brought up by veterans' representatives or from other sources, the Veterans Ombudsman can conduct an 'own motion' investigation.

Situations also arise that affect many veterans (C.3.3.1) that typically involve more intensive resources and are intended to have a much broader impact on the constituency. These are referred to as systemic investigations and comments received from interviewees refer to the length of time over which these investigations are conducted and their resource-intensive nature. Some examples of systemic investigations are described in the following quotation.

We use a fair amount of contract help for systemic review and investigation that is very focused research, for example we have (conducted) a comparison of the lump sum payments with the pension payments that are provided to veterans over a number of years. That is a real focused area of expertise. Now we have another firm that is law firm that is reviewing cases from veterans review and appeal board that went to federal court in order to determine what trends may be evident there. For example, are they always returned for the same reason? We cannot question the actual decisions from the veterans review and appeal board but our mandate does allow us to look at the process of the board, and as a result any systemic issues related to the process that the board uses to arrive at its decisions can form the basis of our comment to the Minister.

Our intention is to conduct three systemic investigations a year to try to

resolve issues that affect more than one person, that is unfair to the community of veterans at large, and that takes a fair amount of research and analysis. Since those reports may become public it is important to stick to the facts, make sure that it is well researched and well presented, and that recommendations are relevant and timely.

Reporting to government and public.

Interviewees identified several aspects of the topic of reporting (C2.6), the first of which is the discretion held by the Veterans Ombudsman. The requirement to submit an annual report to the minister that is subsequently tabled in parliament is a specific requirement. Beyond that, interviewees indicated the Veterans Ombudsman has wide discretion in regards to making reports. Reporting on the activities and the progress of the office is seen to be a way of providing information to the public that would indicate the work done and the value accrued from services provided by the office.

The first part of the mandate described previously is to receive and respond to complaints raised by eligible veterans to the Veterans Ombudsman, and where necessary, bring those complaints forward to VAC for resolution. In the event that a satisfactory response from VAC is not achieved, the Ombudsman has the capacity to make a report in public concerning that complaint and the corresponding response from VAC. The following quotation describes the way the OVO manages that authority.

A lot of the observations we make, the reports we are about to send to the Minister go to the department first for scrutiny to make sure that everything is factual. It is important to realize that going public with a report is not necessarily to go against the Minister, but to actually get the public on side, so that the government can be on side, so the Minister can get what he wants from Cabinet. That is the way we have to look at it and follow through.

The interviewees also referred to the need sometimes to call attention to significant issues that arise among veterans, in order to focus scrutiny on the issue and marshal resources to affect change. The observation was made by interviewees in reference to a press conference held prior to the termination of the first ombudsman's mandate that resulted in a significant increase in attention being brought to the plight of veterans as well as attention being brought to the OVO.

Subsequently, the OVO experienced a significant increase in the number of contacts received and complaints lodged. While that level of activity couldn't last, given the existing resources at the time, interviewees saw both the good and the bad in trying to increase the office's public profile.

Tension with First Ombudsman.

The topic regarding the appointment of the first and second Veterans Ombudsman (C1.1.2) refers to the appointment of the Veterans Ombudsman as well as subsequent changes that were made to the term of appointment. The first appointment was made in 2007 for a period of three years. Mr. Patrick Strogan had a distinguished military career before taking on the job. He brought a focus that was specific to the needs of veterans arising from their active service, which many veterans were experiencing between 2007 and 2010 in the course of that first term.

Interviewees indicated that in addition to that work, the first Veterans Ombudsman travelled across the country to meet with veterans and veterans groups. He became a vocal champion of veterans and raised numerous concerns about gaps in services and benefits veterans received and the way in which they were being dealt with. Nearing the end of his appointment the Ombudsman indicated that in his view a three-year term was not long enough to achieve meaningful results and he requested reappointment.

In early to mid-2010 the decision was made not to renew the Veterans Ombudsman's term for a second three years. The decision led the Veterans Ombudsman and staff members in the OVO to assess what needed to be done during the time remaining. The following quotation exemplifies the awareness and analysis that took place during those early years.

So at the end of his time he gets his letter indicating he is not going to be renewed, and we had a decision to make. We needed to make public the fact that the appointment was not being renewed, and we understood this was going to cause some degree of controversy. But we did not want the controversy to be about the ombudsman. We needed the controversy to be turned around and focused on the veterans themselves.

We made a decision to have a press conference that would include a number of veterans, giving them the opportunity to tell their stories and yes, acknowledge the ombudsman was leaving, but the fight needs to continue and the concerns raised by the veterans indicate that the problems were existing within this constituency.

Interviewees reported that the press conference attracted a great deal of media attention, was highly publicized and brought intense focus to the OVO. In addition, shortly after the press conference, a controversy arose within the media regarding the way in which VAC had handled the private information related to a veteran who was receiving services from VAC. The media coverage of those events was critical of VAC and resulted in a high degree of tension between VAC and the OVO.

Comments from interviewees indicated a significant degree of tension in the relationship between the first ombudsman and VAC (C1.2.3). Mention has been made of the first ombudsman clearly and strongly advocating on behalf of veterans, and being the subject of extensive media coverage.

The previous ombudsman, the working relationship between the Minister's office and this office was poor. It was adversarial to the point there was no relationship. Everything was being challenged in the court of public opinion and it raised the stakes on the issue. But none of it was sustainable in the long haul.

The observation was made that the previous ombudsman term had been three years, but as a result of the experience with that term and the awareness that there were advantages to the Veterans Ombudsman having the independence and flexibility that arise from a secure longer-term appointment, the term was increased from three to five years and was made non-renewable. However, Mr. Strogan's appointment was not renewed and Mr. Guy Parent, who also had a distinguished military career, was appointed as the second Veterans Ombudsman for a five-year, non-renewable term.

Comments from interviewees indicate that during the early years the OVO was very well received by Veterans Affairs Canada and by its Minister, but as a result of the manner in which the first mandate evolved, tension arose between VAC and OVO. With the

appointment of the second ombudsman, efforts have been made to address that tension and develop a new relationship thereby engendering a different reaction from VAC.

The department itself in fact I would say reacted very well at the outset. They were involved in the process and there was a team of people put together to implement the OVO. Because it came from within it was pretty well accepted from the start. The fact that the first Veterans Ombudsman was not a typical ombudsman but more of an advocate for veterans might have skewed things for a while. The intent of the current Veterans Ombudsman is regardless of whether (you are) the veterans appeal board, or the minister, or DVA or OVO we all have the same objective to make sure the debt owed to veterans is paid.

If we look at it in that context, and you have to be somewhat naive to think that the Veterans Ombudsman could resolve complaints without the cooperation of the department, there has to be some partnership. But there has to be a working relationship that allows us to resolve issues at the lowest possible level. I would say now, that the OVO is very well accepted and that people are not afraid of the office.

VAC Culture Clash

The OVO arose in a context characterized by a significant degree of organizational change that, combined with the environment in which it operated, resulted in its having to contend with a number of significant challenges.

Diversity in veterans' constituency.

Interviewees made the observation (C4.5.3) that the constituency of veterans includes individuals who vary widely in the of circumstances in their lives that cause them to be considered for, or potentially eligible for, services and benefits under the new charter or the bill of rights.

Another big challenge for us is the very demographics of our clients. Our people need to be able to deal with the aged and frail people in their 90s just as well as the 20-year-old who comes back from Afghanistan with non-visible injuries. So it is quite a spectrum of complaints, attitudes and knowledge. The older veteran generally does not know very much about service entitlements. The traditional veterans are always so considerate and thankful for what they receive, whereas the young veteran is web-savvy, knows exactly what he is entitled to, and wants it right now. So the demographics are a challenge, not just for the Veterans Ombudsman but for the DVA as well.

OVO new staff and increased turnover.

Interviewees reported that in the early years of the Veterans Ombudsman there was a lot of turnover in the OVO. Staff members struggled with determining how the office should work, as well as trying to adjust to the culture that the new OVO represented.

I think probably the most significant event in the short term was internal to the organization and was generally the result of people. For the most part there were very few people with a knowledge of the Canadian Forces and VAC programming, only a couple of us had that experience. As temporary staff slowly left that limited knowledge left as well, and we had to come back with the whole training piece for the new folks coming on, and of course this was not a cohesive management team that had evolved over time.

This was brand new people all coming from a variety of different organizations and working under a very charismatic ex-military leader who probably, like most military people when they got out of the service, struggled with the public service ethos that is somewhat counter-cultural for a military officer.

That left some fairly dynamic tensions internally as people tried to figure out what they were doing, tried to understand the operations and tried to understand the role they had to play with VAC, who again did not understand the role the Veterans Ombudsman was going to play. The people who established and set up the OVO were essentially VAC employees.

Demonstrating independence.

Several ideas were captured within the topic of the OVO's challenge of demonstrating independence from VAC. First is the notion of functional separation between VAC and the Veterans Ombudsman. For example, VAC provides direct resources in a number of ways to the Veterans Ombudsman; delegation for financial management and human resources authority flows from the Deputy Minister of Veterans Affairs to the Veterans Ombudsman. Some aspects of that relationship are not as clear as members of the Veterans Ombudsman would like.

I think one of the most important aspects is the perception of independence from VAC by our community of veterans. Because we are associated with VAC, and they provide us with corporate and HR services there is a perception that we are not completely independent because we do depend on them. In fact that has raised some issues in the past.

At one point some one million dollars is taken out of the Veterans Ombudsman budget to provide human resources and corporate services. But VAC has never been able to give the Veterans Ombudsman the transparency on that money. What does a Veterans Ombudsman get for that money? It is a bit of a challenge there. How do you substantiate public funding although the Veterans Ombudsman never sees that money, it flows directly to the department? That led the Veterans Ombudsman to actually look at, not the money but what is received for the money, and is now engaged in writing some service level agreements with VAC.

The second aspect arises upon examination of the relationship between the Veterans Ombudsman and VAC insofar as the functional authority that has been delegated to the Veterans Ombudsman.

The Veterans Ombudsman reports directly to the Minister of Veterans Affairs Canada, but he also receives functional authority for matters of finance and human resources through the Deputy Minister's office. The ombudsman's office is described as an arms-length organization, but because of the way it was established with the functional authority coming from the Deputy Minister and not the Minister, it leaves us at times in a gray area in terms of that arms-length relationship. If the Veterans Ombudsman is letting a contract or hiring new personnel there have in the past been questions that have been raised from VAC that if it were a true arms-length organization should never have happened.

I think the Veterans Ombudsman's approach on collaboration is going to take us to a certain point of success. But I think there is going to come a certain point in time when a collaborative approach or a risk-based approach is going to have to be measured. And I think there is coming a point in time where the ombudsman is going to have to step out in front of the special advisor role he holds and take a position that is not going to be popular with the ministerial staff or VAC. I can foresee that coming as we get further and further in our systemic reviews. The Deputy Minister attended one of our functions one time and said "There will come a time when we will have to agree to disagree and just go our own separate ways remembering we are adults and we can have a cup of coffee the next day." That will be the test.

OVO efforts to improve communication.

Another function that the Veterans Ombudsman carries out is to identify and explain the benefits that veterans may be entitled to in various situations. The topic of communicating in plain language (C3.4.3) with veterans and VAC addresses the concern held by interviewees that communication between veterans and VAC is oftentimes problematic and difficult for

veterans to manage.

VAC speaks in “bureaucratese”. They think they have some plain language policies but the reality is they do not. They tend to talk and to communicate their programs via a program perspective. The reality though is that clients need to get it from a veteran's perspective and understand how it affects them. There are number of conflicting approaches to benefits and our problem is determining how we communicate that, and as a result we're starting to spend more time on that communication.

That communication is directed not only towards veterans but towards VAC staff (C3.4.4) who, in the view of interviewees from the OVO, often have difficulty themselves determining how the program and benefits entitlements are intended to work.

This is not just communication to veterans but to VAC staff. They themselves often do not understand how their own programs work and when we handle individual complaints oftentimes we end up explaining to mid-level VAC staff how their program actually works and what is wrong with a particular decision.

The task of communicating effectively with constituents is also evident in the challenge that VAC constituents report in being able to understand the range of programs and benefits that are available and to gain access to the corresponding application and assessment process. OVO interviewees in discussing the topic (C6.1.4) referred to the software program that OVO developed to identify, track, compare and determine eligibility requirements for the programs and benefit streams.

We have designed a benefits navigator for the office because the programs are so complex in VAC that we actually had to design the benefits navigator that is now migrated to the VAC. They added some things to it and shortly it will be on the VAC website. I think that is an important accomplishment.

The second aspect of the challenge in understanding benefits and programs (C 6.1.5) is the public database that the OVO has developed and has posted on its website. The program provides the public with detailed descriptions of the policies and the procedures that are in operation within the OVO and VAC as well as the benefits available and the application process. The interviewees indicate that the program has been welcomed and adopted by VAC and that VAC has also introduced the same public information program on its website.

Self-identification.

Interviewees spoke about the need to challenge the current VAC requirement for self-identification (C3.3.3) The topic refers to VAC insistence that veterans who approach the department seeking services and benefits are required to declare their identification formally to substantiate their status. The following quotation describes how OVO staff members view the process.

You have to prove you are a veteran. That takes time. There is no immediate ability to prove that you are a veteran, and once you prove that, it can take anywhere from two to four weeks of time to get a response. And sometimes VAC does not actually have the means to provide the veteran with the service. VAC would not have the capacity to provide emergency aid for example to veterans who had limited capacity to positively identify their status.

Another aspect of this issue arose and was identified by OVO staff members concerning those veterans who are considered homeless, and could not confirm their identity, and therefore might not receive their benefits. When that awareness arose during the mandate of the first ombudsman, he took it upon himself to identify homeless veterans who might be in need of service.

The ombudsman realized that in the United States they had a huge homeless veterans problem and wondered why we have not got homeless veterans in Canada as an issue. The ombudsman started doing a little bit of digging and actually went to a homeless shelter and found a homeless veteran in June of 1999 and began a campaign entitled 'Leave nobody behind' that was intended to make sure there were no homeless veterans on the streets. In the process of that campaign it became clear that VAC had no program to deal with homeless veterans and no ability to deal with them once they found them because VAC as result of being a self-identification organization requires the first thing veterans do is establish that they indeed are a veteran. The whole issue of veterans' homelessness has evolved over two to three years and it is an issue on VAC's agenda, they do track homeless veterans and they do still struggle with that but they are making the changes.

Closed environments.

In addition to the structural challenges of gaining access to and managing relevant information, interviewees also made reference to the broader aspects of the observed organizational culture that affect how employees within VAC perceive and in turn

respond. Interviewees reported that VAC appears to have trouble recognizing and accepting information that arises from external sources, especially that which may be difficult to deal with. The following quotation exemplifies those observations.

The biggest problem I think VAC has is a risk-aversion management problem. They do not understand risk management. Right from square one they do not want anything to do with bad news, they do not know how to manage it, and they are risk averse. They tend to manage a nickel like they do a million dollars and they have no scale for that. Bad news is not passed up to their managers and I get the feeling that diverging views are very seldom presented to senior management, and the higher up you go in that pyramid the less divergence you get. All that I have to say is that they are very insular in their management culture. The second part of that comes into it in terms of how the veterans feel or experience, if all the time they encounter a culture of saying “No”. VAC does not know what the cost is of saying “No”.

The following topic is similar to the previous one but captures another aspect of organization culture within VAC that interviewees have noted. From their perspective, VAC is often reluctant to acknowledge the validity of information or a point of view that is advanced and appears to be unwilling or unable to accept the legitimacy of the point of view and take it into account in planning and delivering its services.

It would change everything if VAC put its policy online. It would be a huge benefit for most people. If you had transparency in government and were open with all your information when you engage your citizens, your veterans in this case, and they are working from the same information that you are, you are not only getting a well-informed veteran who is aware of what is out there, he can come to the department and ask the intelligent questions so you are not wasting time trying to figure all this out. At the same time the individual from VAC on the other end of the line is fully aware of all the information that is out there, and can actually communicate with the veteran on the same plane. That would be a huge benefit and that is effective risk management. The risk of exposing all your warts versus the risk of having 100% engagement with all your citizenry, they just don't line up. But folks are stuck in the idea that information is power, and “I am the government, and I do not want people to know that I am not efficient.” But, if this were to change it could lead you to become very effective.

VAC interpretation of enabling legislation.

Interviewees also identified the apparent tension between the obligation on the part of VAC to fulfill its mandate, and the operational motivation to reduce or limit cost exposure.

Their policies and procedures tend to appear almost as though they are trying to contain costs and trying to contain eligibility. If you look at the legislation, the pension act and the New Veterans Charter, the intent and they say it in the first paragraph, is that people will liberally construe the legislation and err on the side of the veteran.

When you go back historically in the various parliamentary reviews to 1964 you can tell that the intent behind the legislators was to recognize that documenting military service is a problem. Determining what a service relationship is and how medical issues were related to military service is a problem. ... It is a problem for the veteran who is trying to acquire that documentation. What they wanted to do was set up a non-adversarial system where the veteran could tell his story. If it rang true, and there was some supporting documentation, they were not asking for it to be completely evidentiary, but there was some supporting documentation, you could err in favour of the veteran.

When you look at the wording in the acts they are not asking you to make a claim, they are asking you to make an application. When you talk about making an application you are applying for something that you are already eligible for, and it is the responsibility of the Government of Canada to fulfill its obligations to its veterans. That is how the situation should work. The reality is that it has become very evidentiary. The veteran has to make a claim or an application to get the documentation and show why the issue is service related. If VAC does not think he has enough evidence the veteran has to go find more evidence, and it just goes on and on and on. In the end the reality is that there is a tendency to say "No".

Lack of understanding military culture.

Interviewees also expressed concern about an apparent disconnect between VAC as an organization and the veterans who the organization is intended to serve.

VAC is about 4,000 strong of which only approximately 100 are veterans and 74% of the department are female, and that is not a negative thing, it just shows that the demographics within VAC is exactly the opposite of the Canadian Forces. What you end up having is a group of people who do not understand military service, and that runs all the way through the system.

On top of that when you get to the veterans appeal board, where you are supposed to appeal a decision, the board has 26 members, and I think perhaps five have military service, and maybe one or two have maybe some medical knowledge. From the moment the veteran encounters the department to the moment the decision is made from the far end you are dealing with people who do not have military experience, and do not

understand the military culture.

Cost of saying NO.

Interviewees also addressed the apparent propensity on the part of VAC to deny an application as opposed to erring on the side of the veteran.

Just to give you an example of how you see the culture of “No”, and this one we got just last week. A veteran phones up and says that he needs pressure socks. He is allowed six pairs of socks for \$450 a year. That's what the entitlement is. So he goes out and finds a company in the States that sells socks and he gets seven pair for \$300. He comes in and says here is my seven pair for \$300 and VAC says “Sorry, we are only paying for six pair”. And they divide the \$300 by seven, and now he is out \$45. Instead of saying “That is great! You got it, and not only that, but we are going to send that email address to everybody else in the system getting socks so that we can save money.” Remember when I asked what is the cost of saying “No”? Well, now the veteran phones us. Basically we're looking for \$45. The moment they said “No” there was an administrative cost, and the moment he phoned us, in the end we're probably going to win this, but it is going to go back and forth, and it will probably go to an ADM at some point and we will probably be looking at \$10,000 of staff time for a \$45 claim.

We had another case again last week, a veteran who needed to take a preliminary course. He took the course for the program and then there was a secondary piece that he had to take. He wanted to go to Police College. He got selected to the police college, which is very highly competitive, he gets selected but he needs to take this course. VAC says, “You did not put that course in as part of your first application, and you are not getting the course. However we are happy to put you on our program of loss of wages for the rest of your days while you try to find a job.” Which is a minimum of \$40,000 a year. Had they just said, “OK, we're going to pay for your course”. The member would go out and do it for himself. Why would you even think of saying “No” to something like that?

From a culture perspective, this culture VAC is ingrained in the organization, and when you get someone making application for something like the socks and you cannot even say 'This is dumb as dirt' or why does the supervisor not step in and look at it? One of the things we found to be true is that to say “No” does not require a supervisor, but to say yes does. You would think they could reverse it make it the other way around.

Veterans' care as national security.

Interviewees also expressed concern about how the overall policy question about the care provided to veterans is addressed. Responses from interviewees were organized into two topics within this subject, the first relating to streamlining and integrating eligibility criteria (C7.4.1) and the second refocusing veterans' services to facilitate and support reintegration into society (C7.4.2). With regard to the first topic, Streamlining and integrating eligibility criteria, the issue is that levels of benefits and service are assigned to veterans on the basis of complex criteria regarding the time, location and nature of their service. The observation is made that those criteria are complex and they inadvertently advantage some groups and disadvantage others.

The observation has also been made that the philosophy behind those criteria goes back to 1919 at the end of the First World War, when eligibility criteria discriminated between those soldiers who had served overseas in that conflict, and those soldiers who did not.

There is a legacy effect with everything we do with veterans' benefits, and it is because the socioeconomic norms of 1919 still permeate the legislation. When you look at what was happening in 1919, there were two groups of soldiers in a sense. There were the soldiers that went over there and served in the trenches, and there were soldiers who did 'Canada only' service. Both inside the military and from a public perspective they did not want to reward soldiers who did 'Canada only' service. That is why you have a Pension Act that has a section 21 and a section 22 where if you serve overseas you get this, but if you did not serve overseas you get that.

That attitude continues to go all the way through the piece and again when you get to the end of World War II they were a little less rigid, but not because they wanted to honour service ... they wanted to make sure that the service that was honoured was the right type of service. You jumped on to the beaches of Normandy so you should be getting more than someone who did the commonwealth training plan on the prairies. That still permeates because by that stage of the game a good chunk of VAC was created after World War II and when you look at why there are so many eligibility criteria that becomes part of the reasoning for it.

That historical legacy still lives on because VAC, and the Canadian Forces just issued a CBLI 2011 that is now going to be called the 'Legacy of Care' which provides specific benefits only if you served in the Afghanistan theatre of war. The issue of one veteran comes into play here. The veteran in the past had choices in where he could have served. The soldier today

does not. If you look at the Afghanistan conflict there were so many people in 2002 who held the position that this was only going to be an army function. There would only be hard-core army soldiers and a few support people. But you now have the air force computer techs that are at forward operating bases fixing computers and that is just the way it is. Everybody can serve anywhere and yet that historical legacy has not changed. And in that historical legacy the issue is 'some service is more worthy than other service'.

The second aspect of that issue addresses the question of how veterans' benefits fit into the overall matrix of programs and services provided by the federal government, and the question raised is whether veterans' benefits should be considered a social program or part of the overall national security policy. The view taken is that if veterans' benefits are perceived as a social program there would be a requirement to be specific about entitlement, and one of the objectives would be to maintain strict limits on eligibility to keep strict control over the cost and delivery of the program. However, if veterans' benefits were viewed as part of the national security policy, there would be a much longer-term view taken of the service delivery program that would have profound changes for the way eligibility criteria were defined, and benefits and services were applied.

The question is. 'Is veterans benefits a social program or a national security issue?' Because it falls under the social program pie in federal spending, VAC is already predisposed to say that this is just like employment insurance. And if you were worthy, we might give you something; as opposed to looking at this as being a national security issue for which the debt has already been incurred. ...in the long haul if you want to maintain a healthy vibrant military, you have to look after them when they are in, and look after them when they get out. It is a circular piece. When you make it a national security issue and you put it into the hands of the national security people who are making those decisions, they would tend to say, "You are putting these people in harm's way when they go into a theatre of operations, and ten to fifteen years down the road there are going to be problems. So, let's structure VAC's budget to be there downstream when those problems arise.

Evolution of Organization

OVO struggle to define self and establish independence.

In first topic entitled VAC influence on the new OVO (C1.2.1) interviewees describe

how those individuals who had been involved in the planning and the set-up of the office conceived of the relationship between VAC and the OVO. The following quotation provides insight into how those dynamics were perceived by the people working in the OVO at the time.

At the beginning VAC created an ombudsman structure on paper that reflected how they wanted to see the new Veterans Ombudsman work, which did not reflect how the new Veterans Ombudsman wanted to work. An example of that is that the OVO was set up for 40 people; ten of the people were to be given to VAC to cut the cost of VAC administering support to the OVO. Of those ten (full-time equivalent positions) six were going to be called the VSU, the veterans support unit, but that support unit was designed so that if the Veterans Ombudsman had a question he would go to the VSU and the support unit would in turn go find the information in the department. The department (VAC) would then give it back to the VSU who would give it back to the ombudsman.

It became very evident in the early stages that the VSU just became a clearinghouse for screened wording, with the correct wording coming back to the ombudsman. When we realized we did not want the middle management screening what was being said, we needed to know what they were actually saying. Soon after we realized this. I think there was a defining moment when we actually caught VAC doing that and we went to the manager. The manager said something and the manager submitted the information to the VSU but by the time we got it, it was made politically correct. The answer had changed. At that moment we said we are not using the VSU anymore and from there on we went directly to the manager.

Those who had set up the concept of how the ombudsman was going to work fit well within a risk-averse department and allowed the department to manage the communication to the ombudsman. When the new ombudsman arrived and we began to work through this we realized you cannot be an ombudsman and do the job if you are always having to go through a screening unit.

Administration services provided by VAC.

Discussion with interviewees on the topic of administrative services (C4.1.5) brought to light the challenge the OVO faces in managing its administrative relationships with the larger VAC organization. VAC provides some of the core administration services such as human resources, contracting, and financial authority to the OVO. But at the same time the Veterans Ombudsman has a constituency that he is accountable to and is required to fulfill the office's

mandate. Managing the dual role of being dependent on VAC for provision of administrative services while at the same time attempting to resolve complaints arising from the manner in which it provides services to a common constituency is an ongoing challenge for the OVO.

It is a tricky one to deal with because you don't want to be seen to be a puppet of the department nor do you want to be seen as the wild jack at all times. Trying to find a balance of where do we belong? When I look at the models of the ombudsman office that have been established here in Ottawa, and I look at the CF Ombudsman it is really a true stand-alone ombudsman office where there is no relationship with the department. In that sphere they are managing most all of their own desires through what they have been allocated. We have a little bit of a different situation where our financial and HR (human resources) authority comes from the DM (deputy minister). So that ties us to the department whether we want to be there or not.

What we have been trying to do is train both sides of the fence, my own group and VAC group, on the definition of arm's length. As a public servant I fall under all the rules and acts and regulations just as any other public servant. But again the decision made by the ombudsman office will be our decisions. We have turned the corner on that so institutionally where do we stand on that? I think and it is a lot like a sleeping dog, you pet it enough and it finally lays down, but if you turn your back it will jump up again. That is where we are.

The final topic interviewees raised in this subject is the challenge of developing sustainable organizational systems and structure (C4.1.6). Interviewees recognize the challenge that OVO faces in developing its own internal infrastructure and sustainable systems that are needed in order to assist the ombudsman.

... because the office was very unstable in the first few years, a lot of meetings were taking place that were ad hoc, and it was not well structured, and people did not come prepared, and there were no timelines. We have introduced all that good governance counsel so that people all know who will be at the meeting, what they have to prepare for and if they need to bring to bring something they ... have to do so a week in advance, and there are specific timelines attached to it.

Like any other ombudsman office you have to find your footing, and I think at one point we had too many levels from management and directors, and now we have brought that number down. One of the goals was to develop the right size for the organization and make it more permanent, and so now we have no acting positions at all. Everybody is in fully classified positions and that is important to us. As an ombudsman office we need to be nimble and agile enough to respond, but also being an entity

inside the government of Canada there are certain protocols and processes that need to be followed. I think we are very close to that now and that we have introduced a governance structure that is tight enough to meet scrutiny, but also loose enough to adapt and react as we need to.

Establish long-term direction.

Since no one has been able to describe completely VAC programs and how they interrelate (C3.4.2), the Veterans Ombudsman has taken responsibility to compile that information and communicate it to veterans and potential veterans. Another aspect of the issues raised here refers to the means the OVO uses to provide information and education to veterans and potential veterans.

The other part of the mandate of the Veterans Ombudsman is to inform and educate the veteran. We do that in two different ways one is offering public consultation on our website that has the capability for individuals to respond and make comments. For instance, before we started our systemic investigation review we posted on the website that we'd be doing this in the near future. Here is what we intend to do, provide a bit of the scope and then we invite people to comment, asking if there's anything we should look at that we have not identified, and we give them a period of time to bring that forward.

The other way we inform and educate is through the website and some of the social media networks sometimes correcting errors of fact that are posted there by veterans. Sometimes veterans get a little carried away by their own situations and sometimes put down things that may refrain other people from asking for benefits, believing they might not be eligible. So we are vigilant in watching Facebook and social media, and if someone makes a mistake we would correct that mistake on the website and the social media site.

In addition to the website and social media sites the Veterans Ombudsman regularly travels to communities throughout the country inviting veterans and the public to attend public consultation sessions. On those occasions complaints services representatives accompany the Veterans Ombudsman and intake officers who record complaints registered by veterans and provide people with guidance and direction to access to the services they may need.

New ombudsman style of collaboration.

The interviewees clearly differentiated between the focus of the office and the leadership

style exhibited by the first Veterans Ombudsman and the leadership style and the subsequent focus of the office that developed as a result of the appointment of the second Veterans Ombudsman (C1.2.5). The contrast highlights the decision by the new Veterans Ombudsman to focus on rebuilding relationships between the OVO and VAC. The intention was to develop a sustained cooperative relationship within which the Veterans Ombudsman would have the capacity to address complaints and concerns and bring those to the attention of VAC. Correspondingly VAC would be in a better position to more quickly consider those concerns and to make changes and adjustments where they were indicated. The following quotation exemplifies the approach adopted by the second Veterans Ombudsman and the perceived impact that approach appears to be having.

This ombudsman's approach is completely different. He has taken a public stand and said that he will collaborate with all the parties as necessary in order to advance the affairs and interests of veterans. This ombudsman has worked diligently behind the scenes to make this happen, to develop a collaborative evidence-based approach. That where is he is coming from, and I think the message is getting across.

The current ombudsman has rebuilt those bridges and has a much better relationship. If you are going to get effective long-term change you have to work with the influencers who are going to be able to do that, and that is going to be the senior assistant deputy ministers in the department, the deputy minister, the minister's staff and the politicians. Then as well, you need to show the veterans community at large that work is happening. That is the change that new leadership brought about. We had to rebuild those bridges.

The challenge of working with an organization and having the powers limited to that of recommendation and public reporting requires the OVO to develop a functional relationship that enables both parties to carry out their mandate.

One of the problems we have is being separate from the department, on paper anyway, is that VAC does not want to give us any information. So, when they make final decisions we have no idea what led up to it, and it is hard to wade in on a decision if you do not know how it got to that point. If we are in an adversarial relationship we are never going to be able to be on the inside to receive some of that information. If however, we can maintain a collegial relationship we can see how we can enable each other. Then we're going to have more access to the information we need, to the basic documents and potentially, be able to influence things prior to their coming to the Minister's level or the central agency's level, and as a result be able to maintain a more objective and balanced view.

Developing Internal Management Systems

The views expressed by interviewees within this topic (C4.1.2) all reflect the perceived challenge of determining the optimal skill set that would be required in the various positions in the VO, and being able to identify, recruit and maintain people with the knowledge, skill and ability required. Several issues arose in relation to that theme, including the nature of the federal public service, the geographic locations in which the VO is housed both in Ottawa and Charlottetown PEI, and the challenge of maintaining the knowledge base and skill set within the VO.

The perception is that the day-to-day operations function of OVO is located in Charlottetown, where VAC HQ office is also located, and that the complex cases and the research and investigation functions are housed in Ottawa within the OVO headquarters. Several issues cut across the topics from recruiting and maintaining the right people through managing the public service hiring process to coordination of HQ and PEI offices. There are recognized challenges of managing a VO in a relatively small geographic location such as Charlottetown, where there is a relatively small labour pool from which to try and recruit specific skill sets. On the other hand, the relatively small labour market offers the advantage of reduced levels of turnover with staff members remaining in positions longer, building a more stable work force and a correspondingly reduced challenge maintaining knowledge skill and ability.

In a larger labour market such as Ottawa the challenges of recruiting specific skill sets is less difficult, but there is a far greater turnover within public sector positions in larger labour pools. The turnover means a loss in organizational knowledge and human capital and the corresponding requirement to invest continually in ongoing training and maintenance of required skill sets and efforts to develop and sustain a vibrant organizational culture.

Institutionalization

Open and establish the OVO.

A total of six topics were developed in response to the discussion about the subject of the

opening and early operation of the OVO the second of which refers specifically to the physical establishment of the OVO and the primary systems that that office would have required in order to carry out its mandate (C6.1.2).

The first major accomplishment of the office was to put in the machinery to handle 10,000 calls and 2,000 complaints per year. That was the expectation of the department, the public at large and the veterans' community. There had to be some place to go to bring their complaint and someone who would listen to you somebody who was independent from VAC and would make it happen. I think we have done that.

The second major accomplishment is that we have gained the credibility of both sides. We have a department that realizes that we are not there to interfere but we are there to interact and there is a big difference between the two. I would also think we have been recognized by the department as an agent of change. We are trying to improve the process.

Demonstrating value for money

This topic (C4.4.3) includes comments that refer to the challenge that the Veterans Ombudsman faces in being accountable for and being able to demonstrate the results of spending public funds in a number of areas. The perceptions are evidenced in the following quotation.

In regards to the one million dollars that is taken out of the OVO budget and flows to VAC led us to actually look not at the money but at what we get for that money. We are engaged now in writing service level agreements with the department. As an example, our travel claims for instance might take up to ten weeks to process. In the service level agreement we would say we want them to be processed in three to four weeks. The same thing would occur if we needed statistics from the department, and we had to wait in queue to get them. There should be some set standard of time for us to get those statistics, and even in an emergency, a standard that if we need them in 24 hours we should be able to get them. Once these are in place, and we can say we are receiving the service, here is what we are getting and this is the level we are getting it at, we can ask is it fair to pay one million dollars for that.

Establishing credibility.

This subject contained two topics, the first entitled Developing and maintaining credibility (C6.2.1) with veterans speaks specifically to the perception and the observation that the OVO has developed and is able to maintain credibility with the veterans who form the constituency that the office as well as VAC serves. The second

topic, entitled Developing and maintaining credibility with VAC (C6.2.2), addresses the observation that members of the OVO have been recognized by VAC as an agent of change that is working through the process, and that the office now enjoys a substantial, cooperative working relationship with VAC.

Develop standardized procedures.

Comments from interviewees gave rise to three topics under this subject. The first topic of Developing and implementing CTMS (6.4.1) refers to the Case Tracking and Management System that the OVO has developed and has implemented as is indicated by the following quote.

A case management tracking system had been lacking before but now we're in the position where one of our goals is to make sure everything is documented, tracked and timed which had not been the case before. There is a kind of a dichotomy there because there are some ombudsman offices that don't keep any records at all. On the American side that is common but we do. We have our own tracking system that is able to provide statistical and trend-detecting analysis, which makes a big difference for us.

The second aspect in terms of Developing templates and procedures (C 6.4.2) refers to the efforts that the OVO has made to standardize procedures.

We are strict about the fact that whatever we do has to have format and templates and we need to stick to that. We introduced governance in meetings, governance in process for investigative reports, briefing notes, memos and they are all templated and people follow the same procedures in each one. I think that is important as well when you look at as well the transferability of the mandate. To reinvent the wheel every time a new ombudsman comes in is certainly not productive. You cannot run a machine without it being well oiled and lubricated and I think now we are in that position.

Hope for veterans.

The following quote from one of the interviewees captures the sense that the efforts of the Veterans Ombudsman have offered a sense of hope to veterans.

The other impact is, for all the veterans who come to us, is a sense of hope. I do not know how many veterans have told me personally that "I was so worn out and so beat up from fighting the system that I did not have any idea where else to go when I phoned you guys and you took all

that off me. It gave me some hope”.

Summary

Interviewees reported that the OVO operates under delegated authority to oversee administrative fairness in the provision of programs and benefits accruing to veterans as a result of the new provisions contained in the Veterans’ Charter. The Veterans Ombudsman reports directly to the VAC Minister in two capacities, first as ombudsman to the constituency of veterans and second as an advisor on topics of concern or interest to the minister.

The Veterans Ombudsman is charged with identifying, receiving, investigating and working with VAC to resolve complaints arising from constituents and holds authority to gain access to information, conduct investigations, and make non-binding recommendations to VAC. The OVO reports to parliament through the minister and has capacity to report to the public on matters of public interest including cases of unsatisfactory response from VAC.

In the course of implementing the OVO a significant degree of publicly displayed tension arose between the first ombudsman and VAC regarding the Ombudsman’s critique of VAC operations. A new ombudsman was appointed and the term of office was lengthened and made non-renewable. The factors underlying the tension that persisted into the term of the second ombudsman appeared in two forms. Both OVO and VAC serve a diverse constituency of veterans with different sociological and demographic profiles as well as corresponding communication patterns. The challenge of serving its constituents have become more complex and controversial with an increased proportion of younger veterans who have sustained injuries from recent operational deployments. The OVO faces the dual challenges of establishing and asserting its administrative independence from the initial enmeshed organizational structure, as well as recruiting and retaining employees with the optimal level of skills and abilities for the environment.

Tension is also evident in the interviewees’ assessment of the VAC organizational culture and its resulting impact on the management and delivery of services to veterans.

Interviewees described VAC as a bureaucratic, risk-averse organization that is sceptical of and reticent to acknowledge and accept new information, and whose default position is to reject constituents' applications that do not completely conform to its internal expectations. The combination of an environment in which many of the employees do not understand the impact military culture has on its constituents, and a narrowly restrictive interpretation of entitlement to programs and benefits leads to a passive, unresponsive organization that shifts the burden of proof entirely on to the people it is intended to serve.

In response to those observations interviewees reported that OVO has invested in a number of initiatives intended to identify potential constituents, provide them with readily understandable information about programs and benefits and equip them with the tools they need to manage the onerous VAC application and appeal mechanisms. In addition to dealing with the administrative challenges, interviewees raise the questions of whether VAC should view veterans' benefits as a social program and therefore attempt to limit access in order to manage program costs, or if veterans' benefits are more rightly accepted as part of the cost of ensuring national security and consequently managed over a longer term.

Interviewees reported that OVO has continued to evolve as an organization independently of VAC by:

- negotiating a number of agreements clarifying the cost and value of administrative services it receives from VAC,
- increasing its delegated authority in areas such as ATIP, human resources and financial management,
- setting its strategic direction, and
- establishing an ongoing co-operative working relationship.

Indications that OVO is becoming institutionalized in the context of its operating environment are provided by the increasing standardization of its internal procedures, its apparent stability, its demonstrated success in advancing administrative fairness in providing services to veterans and the credibility and respect it garnered in the process.

Chapter Nine

Three Perspectives on the Application of Alternative Dispute Resolution in a High-Security Organization

Introduction

This chapter will explore the application of ADR as it occurred in the Conflict Management Program within the Department of National Defence and Canadian Forces. It is based on the experience of the mediation practitioners who are responsible for providing the dispute resolution services as well as the experience of the members and employees who actually participate in mediation. ADR will be examined from three perspectives and the chapter will be divided into three sections each examining one of the relevant perspectives. As was noted in the review of the conflict resolution literature in chapter two, there are a number of approaches that mediators can take to the task of conducting mediations. The approach taken can influence how the mediation is conducted and the kind of outcomes that are likely to be generated. The first section will explore the question of whether there is a discernable difference in approach among mediators in the CMP.

Participants' behaviour was also noted in chapter two as a significant factor influencing both the process and expected outcomes of mediation. Section two of this chapter will be devoted first of all to examining what behaviours mediators observed in the parties to mediation and how important mediators believed those behaviours were to the outcome. Secondly it will identify the behaviours mediators observed in themselves, as they engaged in mediation practice and how they rated those behaviours in terms of their importance to the outcome. Both the logic model and the comprehensive model of conflict resolution presented in chapter two identified preliminary conditions as well as intervention conditions that are significant factors in determining the outcome of mediation. The final section of this chapter will present those suggestions that mediators

indicated would have an important effect on mediation as it is delivered in the conflict management program.

The actual experience of those people who participate in mediation represents the third perspective. The organizational justice constructs presented in chapter two describe the specific aspects of participants' experience that determine how they perceive the process, their relationships with both the other party and the mediator, the nature of the outcome and the extent to which their experience with mediation is likely to effect their behaviour in the future. The final section of the chapter will examine how the parties to mediation perceive the organizational justice aspects of the process.

Mediation Style

The way in which mediators approached practice in the Conflict Management Program was collected through a survey that examined their mediation style. The primary purpose of the survey was to measure how individual practitioners rate themselves along the evaluative – facilitative continuum, and to determine whether it is possible to differentiate between a preference for an evaluative or a facilitative approach to mediation. If mediation style as indicated by a strong preference for either the evaluative or facilitative approach could be identified then it may be possible to examine whether mediation outcomes are affected by mediation style.

This survey is based on the original developed by Krivis and McAdoo (Krivis & McAdoo, 1997) and the subsequent modifications made by Polkinghorn & McDermott (2006) and in personal correspondence with the authors. Krivis & McAdoo developed the first mediator style instrument beginning with 48 items that were later distilled to a 26 item survey that was administered to 224 respondents. The authors' intent was to develop a Mediator Classification Index (MCI) based on a four quadrant grid involving two continuums of broad-narrow and evaluative-facilitative. Respondents were asked to rate various aspects of their own mediator behaviour using a series of ten-point Likert-type response format items measuring aspects of each continuum. Responses to the statements in each scale were added and then used to calculate a mean score for that

scale. The MCI was determined by entering the scores in the grid thereby providing an indication of mediator behaviour along the broad-narrow and evaluative-facilitative continuums.

McDermot and Obar (2004) used the MCI as a basis on which to develop an instrument using a series of five-point Likert-type response items that measured mediator style along an evaluative-facilitative continuum. The instrument was administered to 645 mediator respondents as part of an evaluation of the Equal Employment Opportunity Commission (EEOC) mediation program in the United States.

This survey has two sections, the first of which asked practitioners a series of demographically based questions about their organizational status, previous training and experience with mediation. The second section employed structured Likert-type response items examining mediator style along a proposed continuum from evaluative to facilitative approaches to mediation.

Demographics

A total of 20 completed surveys were received. Due to changes in individual practitioner status and organizational capacity that took place over the duration of the data collection period it is estimated that 45 practitioners would have been candidates to complete the survey. On that basis the overall response rate is approximately 45%. When considered by region, the response rates vary considerably. The highest response rate of 77% originated from the western region, the central region was next at 25.5% and the eastern region had a slightly lower response rate of 23.6%.

The analysis of the demographic items on the survey indicate that the vast majority, 84% of the respondents, were civilian with the remaining 16% being members of either the regular or reserve forces. There were a number of missing responses to the item of rank and due to the low number of respondents to whom it was relevant, the data is not considered reliable. None of the respondents indicated they were less than 30 years of age, while 47% indicated they were between 31-49, 42% were between 50-59 and the

balance of 11% fell in the 60-70 range. The majority or 58% of the respondents were female.

All of the respondents reported they had received mediator training. The level of detail and the kind of training that was described varied across respondents. Roughly half described having taken undergraduate and post-graduate university-level programs and courses, primarily in law-related areas, and half reporting certificate-level professional programs. In some cases respondents reported having taken training in both contexts. The questions asking about the number of mediations they had conducted over the past five years and the total number conducted in the CMP were omitted by a number of respondents, and as a result the data that was entered is not considered reliable. When asked of those mediations they had completed in the CMP, how many resulted in resolution and how many did not result in resolution, the majority of respondents indicated a success range of 80% - 100%. Respondents described a variety of issues that formed the focus of mediation the most common of which was workplace-based conflict, followed by harassment and then unspecified interpersonal conflict.

Section One: Mediation Style

The following table presents the ten statements employed in this instrument organized into the subject categories of Evaluative and Facilitative approaches. The statements represent a further refinement of the items used in the McDermot & Obar (2004) EEOC study. Half of the statements indicated an evaluative approach and the other half reflected aspects of the facilitative approach to mediation. The statements were equally interspersed throughout this section of the questionnaire, and practitioners were asked to rate their level of agreement on a five-point Likert-type response format that was anchored at one end with Strongly Disagree and at the other with Strongly Agree.

Table 7:***Evaluative and Facilitative Survey Items***

Evaluative Approach	Facilitative Approach
1. I encourage the parties to focus on resolving the specific, presenting problems.	2. I prefer to look beyond the presenting issues in defining the problem to be resolved.
3. The focus of the mediation session is on issues that are relevant to the presenting problem.	4. The interests of the parties are more important to me than settling the case.
6. My role is to help parties reach settlement on the presenting issues.	5. I view the mediation as an opportunity to help the parties understand each other's perception of the dispute.
8. I provide parties with direction as to the appropriate grounds for settlement.	7. Generally, parties understand their situations better than mediators.
9. My principal strategy is to help parties understand the strengths and weaknesses of their positions.	10. Developing options for settlement is the responsibility of the parties, not the mediator.

Agreement with items 1, 3, 6, 8, 9 were expected to indicate a preference for an evaluative approach and agreement with items 2, 4, 5, 7, 10 were expected to indicate a preference for a facilitative approach. If a preferred approach could be identified, then responses to the statements would tend to appear in two clusters each of which indicates the extent of preference. A high level of agreement with items 1, 3, 6, 8, 9 combined with a low level of agreement with items 2, 4, 5, 7, 10 would indicate a strong preference for an evaluative approach, while a high level of agreement with items 2, 4, 5, 7, 10 and a low level of agreement with items 1, 3, 6, 8, 9 would indicate a strong preference for a facilitative approach. On the other hand, if responses do not appear to be clustered in that pattern it may not support the anticipated relationship. To the extent that it can be validated, mediation style is a function of the preferred approach to mediation.

Table 2 Appendix F presents the frequency distribution of responses to the ten statements that have been combined into two groups labeled evaluative and facilitative statements. The overall distribution indicates that the facilitative statements tend to have higher rates of agreement than those assigned to the evaluative statements. The data presented in Table 3 Appendix F indicate that except for statement 7, the mean rating for each of the

facilitative statements is higher than the corresponding means of evaluative ratings, while the facilitative statement 7 mean is higher than all except two of the evaluative statements.

A further analysis of the distribution of evaluative and facilitative mean scores is presented in Figure 1 Appendix F. The whiskers at the top and bottom of the plots indicate the highest and lowest scores in the data set while the box itself displays the middle half of the data between the 25th and 75th percentiles, and the horizontal line in the box represents the median value in the set.

The plot indicates that overall, facilitative values tend to be higher and have less variability than the evaluative scores. The greyed area around the median indicates that in a normal distribution 95% of the evaluative and facilitative scores respectively would fall within those bounds. The lack of overlap in the plots indicates there is a difference between the two distributions that in a population would occur by chance less than 5% of the time.

Further analysis of the evaluative and facilitative statements presents a more complex picture of the relationships between statements and their possible influence on the overall scores. An examination of the inter item correlations among the five facilitative statements that appear in Table 4 Appendix F indicates a considerable degree of variability. Negative correlations appear between items 2 and 4 and 2 and 10. The strongest correlations occur among items 4, 7, 5, and 10. The Cronbach's Alpha (α) score for Facilitative statements presented in Table 5 Appendix F measures the internal consistency of the index items or the extent to which all the items are measuring the same construct. The α value of 0.539 for the facilitative statements is less than the 0.7 – 0.8 range generally considered acceptable in survey applications (Tavakol & Dennick 2011).

When item 2 is removed from the facilitative scale, the data presented in Table 6 Appendix F indicate the negative correlations disappear and as the data in Table 7

Appendix F show, the α value increases to 0.595. The Facilitative index then is considerably strengthened by the removal of item 2.

The α score of 0.736 for Evaluative statements presented in Table 8 Appendix F is much higher than that of the Facilitative statements and well within the range of acceptable survey values. An examination of the inter item correlations in Table 9 Appendix F, Inter Item Correlations Evaluative Survey Items, appears to be consistent with overall reliability. Relatively stronger correlations appear between items 1, 3, 8, and 9 with the highest correlation in either group, 0.672 occurring between items 8 and 9. While some weaker correlations appear among the remaining items none of them are negative. The reliability rating for evaluative statements is substantially higher than that for facilitative statements and the inter item correlations for evaluative statements also appears to be stronger. Given the relatively low number of items in each, the overall reliability for the evaluative scale is considered acceptable but the facilitative scale rating is lower than the generally agreed upon range.

In order to analyze and compare the evaluative and facilitative indices the individual statement ratings were combined to provide a total evaluative and facilitative score, and each practitioner's total evaluative score was then subtracted from their total facilitative score. The results are presented in Figure 2 Appendix F. The bar graph represents the difference between the individual practitioners' total score on the facilitative statements minus their total score on the evaluative statements.

On the surface it would appear that practitioners clearly preferred a facilitative style to that of the evaluative approach. Although that is borne out by the data, the bar graph of the responses indicates a slightly more complex distribution. Half of respondents (Practitioners 11 – 20) fall into the group that presents at least a six-point spread between their facilitative scores and their relatively lower evaluative scores. This can be described as a strong preference for a facilitative style, but does not rule out some level of support for aspects of the evaluative approach. A minority group of five respondents (Practitioners 2 – 6) present a different pattern in which the facilitative-evaluative spread

is much smaller and in the case of Practitioner 1 is reduced to zero. Although Practitioners 2 – 6 indicate a preference for a facilitative style the strength of that preference is much less than the majority of their colleagues. It would appear that except for one, all of the respondents prefer a facilitative style but most are prepared to consider the application of at least some aspects of evaluative approaches, while members of the minority group would be almost equally inclined to the application of either evaluative or facilitative approaches.

The first perspective on conflict resolution has described the mediators that practice in the Conflict Management Program. It demonstrates that although they indicate a strong preference for a facilitative approach they do not rule out the possibility of applying limited evaluative techniques. Section two will explore how mediators perceive the behavioural aspects of mediation.

Section Two: Mediator Assessments

The actual experience of mediators while they are practicing mediation represents the second perspective taken up in this study of conflict resolution. This section explores what mediators observed about the process and identifies factors they held to be important influences on the outcomes. The data were generated using a survey that was based on the instrument developed by McDermott, Obar, Jose and Polkinghorn (2001) and modified to apply to this environment. The authors examined the role of third party participants in mediation, the impact of parties' behaviour on outcomes, the impact of mediators' own behaviour on outcomes and mediator generated suggestions for improving the process. McDermot et al (2001) determined that participation of third-party support in mediation might have a positive influence on mediation outcomes, identified parties and mediator behaviours that were considered important influences on mediation outcomes and generated a number of suggestions for process improvement.

The mediator at the conclusion of the CMP mediation completed this survey. In part one, mediators were asked whether or not party A or B had been accompanied by a third-party support person during mediation, what role that person played and finally, whether or not

minutes of settlement had been signed. Part two of the survey asked mediators first to rate those behaviours that in the case of party A were important to the outcome, and then to rate the same behaviours in terms of party B. Part three of the survey is designed to examine the conduct of mediators. In this part, mediators were asked to indicate the presence of mediator-specific behaviours they observed during the course of the mediation, and to rate those that in the mediator's opinion had an important effect on the mediation. In part four of the survey, mediators were asked to identify viable suggestions for improvement to the mediation process, and to rate them in terms of their importance to the outcome.

The data were intended to explore the following four questions:

1. To what extent do third parties participate in mediation, and does it have any impact on outcome in the Conflict Management Program?
2. Can mediators identify parties' behaviours and rate their impact on resolution of the conflict?
3. Can mediators identify their own behaviours and rate the impact of those behaviours on resolution of the conflict?
4. What suggestions for process improvement do mediators have to offer?

Given the projected volume of mediations conducted in the CM Program the anticipated sample size was 150. The actual sample size was 46. The following factors made it difficult to calculate an overall response rate:

- As a result of such factors as illness, extended periods of leave, out of area assignments and the budget reductions that took place during the data collection period, the number of practicing mediators in many of the DRCs decreased during the course of the data collection. It was not possible for the researcher to reliably track the changes and make adjustments to the population of practicing mediators;
- Communication with staff members in the corporate office and in DRCs in the regions indicated that the data collection software meant to collect, analyze and report on mediation activity was unreliable and unable to provide data either on

the overall number of mediations being conducted in the CMP or the number being conducted in each DRC;

- Communication also indicated a lack of clarity and consensus on the definition of what form of intervention constituted mediation. Both the definitions and the data collection practices varied across DRCs with the result that data collection practices were inconsistent.
- Repeated requests to the corporate office and the DRCs failed in some instances to produce any data regarding mediation activity, and in other instances data that were provided were not considered reliable. Of the 13 DRCs and one satellite office that were included in the data collection, six provided what is considered a reliable count of the numbers of mediations conducted during the data collection period, one report is considered unreliable and seven DRCs provided no data on the number of mediations conducted.

Despite the inability to determine a precise survey response rate, N=46 is sufficient to support the exploratory analysis that has been conducted. The implications that the response rate calculations have on aspects of the data analysis are provided in following relevant sections.

Third-Party Participants

In Part I of the survey mediators were asked whether the parties had been accompanied by third-party participants and if so, which of three predetermined categories they represented. Mediators were also asked whether or not minutes of settlement had been signed at the end of the mediation. The question being considered here is whether or not the presence of third-party participants had any effect on the outcome of mediation as indicated by the completion of signed minutes of settlement. If the analysis indicated that successful completion of signed minutes of settlement were positively associated with the presence of third-party participants, further exploration would be needed to determine the factors affecting the association, and to what extent they could be incorporated into future service delivery in order to enhance the likelihood of successful outcomes.

In order to examine the relationship between the presence of third parties and the mediators' reported signed minutes of settlement, the results of that third-party survey question for both party A and B were combined and analyzed as one variable. If either party A or B had been accompanied by a third-party, that presence was indicated in the new variable. The majority or 60% of reported mediations had third party representation in some form as indicated in Table 1 Appendix G. Of the three possible types of support, Advocates were present in more than 78% of the cases, followed by support in the Other category at approximately 17%. Counsel was the least common type of support identified, appearing in support of one party in one case, Table 2 Appendix G.

When asked whether minutes of settlement had been signed, mediators reported in Table 3 Appendix G that 75% of mediations that were considered in response to this questionnaire resulted in signed minutes. The relationship between the dependent variable "minutes of settlement" and the independent variable of "third-party support" was examined by way of a contingency table. The analysis indicates that minutes of settlement are more likely to be signed if third party support is present in the mediation, and the relationship is statistically significant at the $p < 0.1$ level. The results are presented in Table 4 Appendix G Minutes of Settlement by Third Party Present, chi-square (χ^2) (1, 46) = 3.086, $p < 0.1$

Party A and B Behaviours

Part II of the survey asked mediators to rate a series of behaviours that they had observed in both parties on a five-point Likert-type scale anchored at the low end by "completely unimportant" with a value of 1 and at the high end by "completely important" with a value of 5. In order to examine the potential relationship between the presence of parties' behaviours as identified by mediators and the resolution of the conflict, this section will first review the parties' behavior separately and then consider their combined impact on resolution.

When analyzed separately, the mean ratings on Parties A and B behaviours that appear in Table 5 Appendix G, Party A behaviours and Table 6 Appendix G, Party B behaviours,

indicate that willingness to listen to the other party was rated most important for both at a rating of 4.5 out of a possible 5. That was followed closely by respect for other, willingness to collaborate, and a commitment to resolve the conflict, all of which were rated in terms of importance at 4.4 out of 5. Mediators considered demonstrated empathy and expression of both apology and remorse to be the three least important behaviours for both parties.

The mean ratings of the separate Party A and B behaviours were then pooled and the overall mean for each of the behaviours for the combined Party A and B behaviours was then calculated. The mean ratings of the pooled behaviour variables generally reflect those reported separately for Party A and B in that willingness to listen to other, collaborate and commit to resolving the conflict were most highly rated while demonstrated empathy and expression of both apology and remorse were rated least important. The results are reported in Table 7 Appendix G Party A & B Behaviours Combined Means.

The association of each of the combined behaviours with the mediators' reporting of whether or not minutes of settlement were signed was then evaluated using Chi Square (χ^2) at $p < 0.1$. Three of the thirteen pooled Party A and B behaviours flexibility and openness, willingness to listen to the mediator as well as willingness to listen to the other party were found to be positively associated with the presence of signed minutes of settlement. The results appear in Tables 8, 9 and 10 Appendix G, Minutes of Settlement by Openness, ($\chi^2(3,46) = 7.248, p < 0.1$), Listen to Mediator ($\chi^2(3,46) = 6.676, p < 0.1$), and Listen to Other ($\chi^2(2,46) = 5.011, p < 0.1$).

Mediator Behaviours

Part three of the survey is focused on the self-reported behaviours mediators use during the course of practicing mediation. Mediators are asked to self-identify their own behaviour and to rate the perceived importance in terms of the mediation outcome. This examination will first review the 27 behaviours that mediators were asked to rate on a Likert-type scale of completely unimportant (1) to completely important (5), and then

consider the impact of those observed behaviours on resolution. In Table 11 Appendix G, Mediators' Behaviour Assessment, the top four behaviours rated by mediators during mediation sessions at a mean of 4.6 out of a possible 5 included:

- listening,
- using probing questions,
- gaining trust, and
- remaining neutral.

They were followed closely with a mean rating of 4.5 by:

- encouraging openness, honesty and direct communication,
- preparing parties at pre-mediation,
- remaining calm, and
- clarifying facts and agreement areas.

The behaviour, proposing options, with a mean rating of 2.2, is the one that mediators considered to be the least important influence on the mediation. Other behaviours that received low mean ratings of less than 3.0 included avoiding or using caucuses, using evaluative strategies, and negotiating with one or more parties. All of those behaviours are typically considered indicative of an evaluative approach to mediation.

The analysis of a possible relationship between mediators' reported minutes of settlement and mediator behaviours was examined using point biserial correlations (r_{pb}) and Chi Square (χ^2). A descriptive analysis and the corresponding point biserial correlations indicate a positive association between the presence of signed minutes of settlement and the mediators' use of probing questions ($r_{pb} = .407$), the application of facilitative tactics ($r_{pb} = .314$) or strategies while persisting ($r_{pb} = .306$) and encouraging resolution ($r_{pb} = .281$). The χ^2 analysis indicated the mediator behaviours Used Probing Questions ($\chi^2 (2,46) = 6.502, p < 0.1$); Facilitative Tactics or Strategies, ($\chi^2 (4,46) = 8.305, p < 0.1$); Persisted, ($\chi^2 (4,46) = 7.956, p < 0.1$) are statistically significant at the $p < 0.1$ level while Encouraged Resolution ($\chi^2 (3,46) = 10.51, p < 0.05$) is significant at the $p < 0.05$ level (Tables 12 – 15 (Appendix G)).

A fifth mediator behaviour, Used Caucuses Effectively appeared initially to have a significant association with minutes of settlement [Table 16 Appendix G] ($\chi^2 (4,46) = 9.277, p<0.1$). However, closer examination revealed a much larger proportion of missing cases and when the variable was recoded to low and high levels of importance Table 17 Appendix G ($\chi^2 (2,46) = 1.673, p<0.1$) the relationship diminished to insignificance.

A review of the remaining variables reporting relatively high mean values showed a positive trend in which the presence of signed minutes of settlement tended to be associated with mediator behaviours that had been assigned higher levels of importance.

Mediators' Suggestions for Process Improvement

When they were presented with a list of possible areas for process improvement, mediators did identify those that, in their opinion, were important factors to consider. Overall, part four of the survey tended to have more missing values than the first three parts, and the individual items tended to receive lower importance ratings than behaviours in the previous two sections. The data from part four are presented in Table 18 Appendix G.

Despite the lower response rates some discernible patterns appear in mediator selections of factors that may be important to consider in process improvement. The most often cited and highly rated suggestion at a mean of 4.4 out of a possible 5 was, prior to mediation ensure the suitability of the dispute for mediation. The next four suggestions to ensure parties willingness to:

- discuss all issues,
- compromise,
- discuss all settlement options, and
- prior to mediation ensure they have requisite authority to settle,

were cited slightly less often and were rated as slightly less important but still had assigned mean ratings ranging from 4.1 to 4.0. Although facilitating dialogue and

interaction among mediators to strategize on tough cases was cited at a rate similar to the previous list, its mean importance rating of 3.8 was somewhat lower again.

Although two of the most highly rated suggestions to ensure suitability and requisite authority are oriented toward the stages of preparing for mediation, the remaining three concerning compromise, and discussion are conceptually similar to previously noted Party A and B as well as mediator behaviours that were positively associated with successful mediation outcomes.

Providing mediators and parties with checklists to generate settlement options, and excluding non-legal support persons, had mean ratings of 2.1 and 2.2 respectively and were the suggestions that were considered by mediators to be least important in consideration of process improvement. The balance of the remaining suggestions were cited at about the same rate and were considered moderately important to process improvement.

This exploration of the second perspective on conflict resolution indicates that third-party participation occurs on a regular basis and tends to have a positive impact on mediation outcomes. Mediators are able to identify their own as well as parties' behaviours during mediation, and have indicated their relative importance to outcomes. Finally, mediators have offered a number of suggestions intended to improve the mediation process. The next section will explore the experience of the parties to mediation that represents the third and final perspective on conflict resolution.

Section Three: Experience of Parties to Mediation

The experience of those who actually participate in mediation represents the third of the three perspectives undertaken in this study of conflict resolution. This survey examined how the parties to mediation perceived aspects of the mediation experience such as preparation, participation, agreement, and satisfaction with the mediation service. The parties who participated in mediation sessions including Regular and Reserve Force members and civilians were expected, at the end of that mediation, to complete the

Parties to Mediation survey. Normally that would mean that parties would complete one survey during the data collection period. However, in the event that an individual was involved in more than one, they would complete a mediation participant's survey at the end of each mediation in which they participated.

The constructs employed in this survey are based on an Organizational Justice model developed by Nabatchi, Bingham and Good (2007) that is focused on the fair treatment of employees and its corresponding impact on the individual and the work environment. "In general, organizational justice research indicates that employees who believe they are treated fairly will be favourably disposed toward and engage in pro-social behaviours on behalf of the organization" (Nabatchi, Bingham & Good, p 155). The authors present a Six Factor Model of Organizational Justice (OJ) based on the constructs of Procedural-Process, Procedural-Mediator, Informational, Interpersonal Disputant-Disputant, Interpersonal Disputant-Mediator, and Distributive Justice. These are defined as:

- Procedural-Process Justice based on participants' perception of the fairness of the rules governing the response to conflict.
- Procedural-Mediator Justice considers the extent to which the participants perceive the mediator's behaviour during conflict resolution to have been fair.
- Informational Justice describes decision-taking action and the explanation of the process of making decisions in the conflict resolution context.
- Interpersonal, Disputant-Disputant Justice identifies aspects of the interaction that develop between the parties to the conflict and describes their perception of that interaction.
- Interpersonal, Disputant-Mediator Justice identifies aspects of the party's interaction with the mediator.
- Distributive Justice is based on social equity theory, holding that social behaviour is influenced by the extent to which the distribution of outcomes resulting from the resolution of conflict is perceived as being fair.

Informational; Interpersonal Disputant-Disputant and Interpersonal Disputant-Mediator Justice were measured using five-point Likert-type scale items that gauged levels of

agreement, with the lower limit being anchored by “Strongly Disagree” and the upper limit designated by “Strongly Agree”. The five-point Likert-type scales for the remaining three constructs of Procedural-Process, Procedural-Mediator and Distributive Justice measured levels of satisfaction, with the lower limit anchored by “Very Dissatisfied” and the upper limit designated by “Very Satisfied”.

The survey data was intended to address the following three research questions:

1. What are the demographic characteristics of the parties to mediation?
2. Do the organizational justice constructs used in this context meet the criteria for reliable measures of the mediation experience?
3. To what extent are the constructs related to the mediation outcomes?

In order to address the first question the parties were asked to provide information regarding the following demographic characteristics:

- Job Classification,
- Service Element,
- Age Group, and
- Gender.

Those demographic characteristics were then used to describe the sample of the population who participated in mediation during the data collection period. The OJ constructs are composed of from two to six statements that rate either levels of agreement or satisfaction with the statement, and each construct was subjected to three levels of analysis. The first level described the pattern of respondents’ ratings on each of the statements that included frequency counts and percentages for each response category as well as the overall mean rating for each statement. In the second level the inter-item correlations were measured to determine the extent to which the statements were related to each other. The overall construct reliability was determined by comparing the value of Cronbach’s Alpha for each construct with the generally acceptable levels of reliability for survey items.

Once construct reliability had been established the survey data were then used to answer the third research question. Bivariate linear regression was used to explore whether there was any indication that levels of satisfaction or agreement with the independent variable OJ construct was related to ratings of the dependent variables of minutes of settlement, satisfaction with minutes of settlement, recommendation of the mediation program, intention to use the mediation program again and relationship with other party.

Due to the limitations of the Director General Alternative Dispute Resolution (DGADR) data collection system it was not possible to verify the total number of mediations that were conducted during the data collection period and consequently a reliable response rate cannot be determined. Despite consistent contact with mediators prior to and during the data collection period that included national teleconferences, personal communication and Conflict Management Program (CMP) directives providing explanations, making adjustments to the survey instruments to address identified concerns and answering ongoing questions, an undetermined minority of mediators remained reticent about the research project in general with some refusing to participate in the research process.

When asked what led to their apparent reticence, mediators advanced a number of issues. Some mediators expressed concern about a possible negative impact arising from asking parties to mediation to complete a questionnaire following what may for some have been an emotionally difficult process. A small number of mediators indicated to the researcher, either directly or through their supervisor that based on their personal experience, they lacked confidence in the corporate office and would not participate in a research project that potentially could be construed to reflect on their performance.

Administrative workload was a third issue cited by mediators and a small number reported that with the support of their supervisor they chose not to participate. Repeated requests to the corporate office failed in some instances to produce any data regarding mediation activity, and in other instances data provided were not considered reliable. Communication with staff members in the corporate office and in Dispute Resolution Centres (DRC) in the regions indicated that the data collection software meant

to collect, analyze and report on mediation activity was unreliable and unable to provide reliable data on the number of mediations being conducted in the CMP. Similar communication with practitioners in the DRC's also indicated a lack of clarity and consensus on the definition of a mediation, that definitions varied by office and that data collection practices across DRC's were inconsistent.

Despite the situational challenges that arose during the data collection period, sufficient data were collected to enable the analysis to be conducted as described. A total of sixty-seven completed surveys were returned and the sample was considered large enough to support the exploratory analysis in this section. The relatively small number of responses in the database may limit the generalizability of the results.

Data analysis

Demographics.

The first part of the Parties to Mediation questionnaire contained four items that asked about respondents' military and civilian status, age group and gender. A fifth question asked whether or not the mediation was conducted in the respondent's language of choice. In the item regarding rank respondents were provided with the four categories of Regular Force, Reserve, Cadet or Civilian and were asked in an open-ended question to indicate their rank in the appropriate category. The question contained too many missing responses and is not considered to be reliable.

Slightly more than half (52%) of respondents indicated they were civilian, 25% were Army while members of the Air Force and Navy represented 12% and 10% of sample respectively (Table 1 Appendix H). A majority (65%) of the respondents were in the 31-49 age group, (20%) were aged 50-59 and the balance (12%) were in the 20-30 years age category (Table 2 Appendix H). Male respondents were represented 66% of the time. The vast majority (97%) of respondents indicated their language of choice had been respected.

Organizational justice constructs

Each of the following sections will report on two kinds of analysis related to that construct. The first analysis will describe the pattern of respondents' ratings to each of the items that make up the index used to measure the construct. The second analysis will report the inter-item correlations and the subsequent assessment of whether or not the index meets the generally accepted level of reliability for survey applications.

Procedural – Process Justice.

The first of the Organizational Justice constructs measures participants' levels of satisfaction with the process of how the mediation was conducted. The majority of respondents overall indicated they were either satisfied or very satisfied with how the mediations were conducted. In the case of five of the six questions related to the construct, between 52% and 72% of the respondents report they are very satisfied (Table 3 Appendix H). The mean satisfaction ratings across all six questions range from a low of 4.29 to a high of 4.63 out of a possible 5. The question asking about satisfaction with control over the mediation appears to have a slightly different response pattern from the other questions in the construct. While most respondents (88%) indicated they were either satisfied or very satisfied, it had the lowest mean rating of 4.29 out of 5. The Cronbach's Alpha (α) value of 0.96 (Table 4 Appendix H) indicates the Likert items have a high degree of reliability that is well above the 0.7 – 0.8 range generally considered acceptable in survey applications [Bland & Altman (1997); Tavakol & Dennick (2011)].

Procedural–Mediator Justice.

The second Organizational Justice construct of Procedural-Mediator measures participants' levels of satisfaction with the fairness of how they were treated by the mediator. In response to the first three of the four construct statements 79% of respondents said they were very satisfied with mediator fairness (Table 5 Appendix H). The fourth question regarding overall mediator performance yielded a very satisfied rating from 76% of the respondents, and the mean rating in each of the four questions was 4.75 out of a possible 5. The Cronbach's Alpha (α) value of 0.95 presented in Table 6 Appendix H confirms the correlation pattern and indicates a high degree of reliability for the procedural-mediator construct.

Informational Justice.

The three statements that make up the Informational Justice construct represent a different pattern from those of the other constructs in that they are not conceptually consistent. In the first statement the respondent is asked about the extent to which they agree that the mediator gave them a structured analysis about their case. The second statement evaluates the mediator's facilitation of options while the third assesses the extent to which the mediator exerted unwanted pressure on the respondent.

The second statement elicits the highest rate of agreement in the construct with approximately 28% of respondents indicating they strongly agreed, "the mediator facilitated the development of realistic options" (Table 7 Appendix H). However, the overall statement mean value of 3.97 out of 5 is lower than the ratings ascribed to the statements in the previous two constructs. Approximately 19% of respondents strongly agreed with statement one "the mediator told you the strengths and weaknesses of the case", and it has a slightly lower mean rating of 3.29. Statement three "the mediator pressed you to accept a resolution you were uncomfortable with" elicited the lowest level of agreement with less than 10% of respondents indicating they strongly agreed, and the mean agreement rating of 1.92 represents the lowest among all the constructs.

The Cronbach's Alpha (α) value of 0.6 presented in Table 8 Appendix H indicates that when all three statements are included the index does not meet the generally accepted level of reliability for survey items. When statement three is eliminated from the construct, the α value increases to 0.72 which then puts it within the range of acceptable reliability for survey items (Table 9 Appendix H).

Interpersonal Disputant-Disputant Justice.

The five statements that make up the Interpersonal Justice Disputant-Disputant construct assess the respondents' level of agreement with Likert items that describe aspects of the interaction between the parties to mediation as well as the parties' behaviour in response to that interaction. In the first two statements more than three quarters of the parties

either agreed or strongly agreed that the other party listened to and learned something about their viewpoint, and the mean rating was more than 4 out of a possible 5 in both cases presented (Table 10 Appendix H). When asked in the third statement about the extent to which the party learned something new about the other, the smallest majority (71%) with a mean rating of 3.94 either agreed or strongly agreed. In the fourth statement slightly less than three quarters believed the other person acknowledged the legitimacy of their viewpoint, and the mean rating of 3.8 out of 5 was the lowest in the construct. However, when asked whether or not they acknowledged the others' legitimacy 85% of the respondents either agreed or strongly agreed with the statement, and the mean rating rose to 4.03. The α value of 0.848 presented in Table 11 Appendix H places it well within the range of acceptable index reliability.

Interpersonal Disputant-Mediator Justice.

The first two of the three statements in the Interpersonal Disputant-Mediator Justice construct measure respondents' agreement with scale items that describe the mediator's goal clarification and the extent to which they received help with understanding the other's viewpoint. The third scale item measures respondents' level of agreement with the extent to which the mediator helped the other party to understand the respondent's viewpoint.

In every case a strong majority ranging from 69% to 76% either agreed or strongly agreed with all three statements. The mean ratings indicate that the mediator's help with goal clarification was most highly rated at 4.15 out of a possible 5, but the mean ratings of 3.91 and 3.93 for the last two statements respectively indicate parties were slightly less convinced of its impact on understanding. (Table 12, Appendix H) Taken as an index, the Interpersonal Disputant-Mediator Justice α value of 0.78 presented in Table 13 Appendix H indicates it is still within the range of acceptable scale reliability.

Distributive Justice.

The final organizational justice construct measures parties' levels of satisfaction with the following three indicators of mediation: overall outcome, fairness of outcome and amount

of control over outcome. More than 80% of the parties were either satisfied or very satisfied with all three indicators, and the mean satisfaction ratings of 4.14- 4.23 on all three statements that appear in Table 14 Appendix H are consistently high. The α value of 0.87 presented in Table 15 Appendix H indicates the Distributive Justice construct has a high degree of index reliability.

Mediation Outcomes and Recommendation

The vast majority of the reported mediations conducted during the data collection period resulted in the preparation of signed minutes of settlement with correspondingly high levels of associated satisfaction. Of those mediations not reaching that outcome the majority of respondents indicated some progress had been made that may help lead to an eventual agreement. Sixty six of the parties to mediation responded to the question about minutes of settlement. The vast majority (80%) of them indicated they had signed minutes (Table 16 Appendix H), and over 90% said they were either satisfied or very satisfied with the minutes (Table 17 Appendix H). A total of thirteen parties to mediation indicated they had not reached signed minutes of settlement, and again the vast majority (85%) of that group said some progress toward eventual agreement had been made (Table 18 Appendix H).

When asked if the mediation helped their relationship with the other party the majority of the 60 parties who responded to the question indicated that mediation did help the relationship. The majority (55%) of the parties either agreed or strongly agreed with the statement that it had helped that relationship (Table 19 Appendix H). All 67 of the parties to mediation responded to the questions related to recommendation and use again indicating a strong endorsement of the program. Approximately 93% of the parties agreed or strongly agreed that they would recommend the mediation program to someone else, and in the event they were involved in a future dispute slightly more than 88% of all parties would use the mediation program again (Table 20 Appendix H). When asked whether or not any important aspects of mediation had not been explored in the survey the data presented in Table 21 Appendix H show that 86% of them stated there were no important aspects that remained unexplored.

The analysis in the previous sections has described the pattern of respondents' ratings on each of the statements that included frequency counts and percentages for each response category as well as the overall mean rating for each statement. In addition to the descriptive analysis the inter-item correlations between statements in each of the separate constructs were measured to determine the extent to which the statements within the construct were related to each other. The overall construct reliability was determined by comparing the α values for each construct with the generally acceptable levels of reliability for survey items. All the constructs in the six-factor model of organizational justice demonstrated inter-item correlations in the high range above .70. The Cronbach's alpha values ranging from .72 to .93 replicate the values found by Nabatchi, Bingham and Good (2007) and indicate a strong level of reliability.

With construct reliability having been established data were then used to answer the third research question. In the following sections trend analysis and linear regression will be applied to explore whether levels of satisfaction or agreement with the independent variable OJ construct were positively related to ratings of the dependent variables of minutes of settlement, satisfaction with minutes of settlement, recommendation of the mediation program, intention to use the mediation program again and relationship with other party.

Effect of OJ Constructs on Mediation Outcomes, Recommendation and Impact of Mediation on Relationship

The OJ Construct effect on outcome and recommendation will be examined using linear regression to determine the extent to which the variation in the outcome data can be explained by the relevant construct.

OJ constructs.

The way in which respondents rate their overall mediation experience appears to be influenced the most by the OJ Distributive construct (Table 22 Appendix H). It appears to have the strongest influence among all the OJ constructs in that it is the only one of the

six that has a statistically significant influence on all of the outcome indicators. OJ Distributive can account for over 50% of the variation in the parties to mediation ratings of their Satisfaction with Minutes ($R^2=.52$, $F=1,50$, $p<.001$). Perceptions of Distributive Justice predicted the success of these outcomes and ($\beta =.28$, $p<.00$). Between 42% and 43% of the variation in the extent to which respondents are likely to use the mediation program again ($R^2=.43$, $F=1, 65$, $p<.001$) or would be willing to recommend it to others ($R^2=.42$, $F=1,65$, $p<.01$) can be accounted for by OJ Distributive. Perceptions of Distributive Justice predicted the success of these outcomes ($\beta =.22$, $p<.01$) and ($\beta =.23$, $p<.00$). More than 11% of the variation in whether or not mediation helped their relationship with the other party can similarly be accounted for ($R^2=.11$, $F=1,58$, $p<.001$). Perceptions of Distributive Justice predicted the success of this outcome ($\beta =.13$, $p<.01$).

The presence of Minutes of Settlement, which is the final outcome indicator, is a binary variable and therefore not generally amenable to the use of ordinary least squares regression analysis in explaining levels of variation. In order to further the exploration in this study the analysis was never the less completed and provides an indication that a positive association is likely ($R^2=.13$, $F=1,65$, $p<.01$) but further testing would have to be conducted in order to provide a greater level of confidence in the results.

When these characteristics are perceived to exist, the mediation is more likely to result in a successful conclusion as indicated by the parties having signed minutes of settlement. Overall satisfaction and perceived fairness of the outcome combined with the amount of perceived control appears to play an important role in resolving disputes as well as influencing how people are likely to respond to conflict in the future.

The two OJ constructs of Procedural Mediator and Interpersonal Disputant-Mediator that are focused specifically on the mediator's role in the process are the next most powerful predictors of mediation outcomes. The Procedural Mediator construct accounts for 31% of the variation in respondents satisfaction with Minutes of Settlement ($R^2=.31$, $F= 1,58$, $p<. 001$); while the related aspects of Interpersonal Disputant-Mediator's goal clarification and helping the parties understand each other's point of view accounts for

12% of the variation in satisfaction ($R^2=.12$, $F=1,50$, $p<.01$). Perceptions of Procedural Mediator and Interpersonal Disputant-Mediator Justice predicted the success of these outcomes ($\beta =.11$, $p<.05$).

These two OJ constructs also have a significant impact on whether or not respondents would agree with either considering using mediation again or recommending it to someone else. Of the two elements related to the mediator, Procedural Mediator accounts for almost 32% ($R^2=.32$, $F=1,65$, $p<.001$) of the variation in respondents' preference for repeat usage and 26% ($R^2=.26$, $F=1,65$, $p<.001$) of their willingness to recommend CMP to others. Perceptions of Procedural Mediator Justice predicted the success of these outcomes ($\beta =.22$, $p<.001$) and ($\beta =.21$, $p<.001$). On the other hand, Interpersonal Disputant-Mediator's influence accounts for approximately 15% of the variation in respondents repeat use of mediation ($R^2=.15$, $F=1,65$, $p<.01$) and about 7% of their willingness to recommend it to someone else ($R^2=.07$, $F=1,65$, $p<.05$). Perceptions of Interpersonal Disputant-Mediator Justice predicted the success of these outcomes ($\beta =.13$, $p<.01$) and ($\beta =.096$, $p<.05$).

The mediator's role in the process also has a significant influence on the extent to which parties report that the mediation had a positive effect on future relationship with the other party. The Interpersonal Disputant-Mediator construct is able to account for approximately 10% ($R^2=.10$, $F=1,58$, $p<.05$) followed closely by Procedural Mediator's account for 9% of the variation in reported impact on future relationship ($R^2=.09$, $F=1,58$, $p<.05$). Perceptions of Interpersonal Disputant-Mediator and Procedural Mediator Justice predicted the success of these outcomes ($\beta =.13$, $p<.05$) and ($\beta =.15$, $p<.05$).

The aspects of listening, learning something new about and acknowledging the other party that measure aspects of the relationship between the parties make up the OJ construct Interpersonal Disputant-Disputant. This construct exerts the singularly most powerful influence on the extent to which parties report that mediation helped their future relationship with the other party accounting for 17% of the variation ($R^2=.17$, $F=1,57$, $p<.01$). The construct also has a lesser but still significant impact on Satisfaction with

Minutes of Settlement in that it accounts for 11% of the variation ($R^2 = .11$, $F = 1.49$, $p < .05$) in that outcome. Perceptions of Interpersonal Disputant-Disputant Justice predicted the success of these outcomes ($\beta = .11$, $p < .01$) and ($\beta = .08$, $p < .05$).

Summary

Section one provides a description of mediation practitioners indicating that all have had previous training and have experience dealing with cases involving workplace and interpersonal relationships in which they report success rates varying between 80 and 100%. The group is predominantly civilian, roughly divided between the age ranges of 31-49 and 50-59, of which 58% are female. The respondents are concentrated in the middle two age groups with no representation in the youngest group and a small number in the highest age category. Both genders are represented. Although geographical representation is highest in the west there are substantial responses from both the eastern and central regions of the country.

Most practitioners indicate a clear preference for a facilitative approach to mediation. Although the preference is less pronounced among a minority of the group, no practitioner in the sample indicated a preference for the use of evaluative mediation techniques. The preference however, does not appear to represent a rejection of evaluative approaches but may instead be an indication of a willingness to consider aspects of both approaches in some circumstances.

Although it is not specifically named as an evaluative service, the literature describes the DND/CF Conflict Management Program as one based primarily on principles of interest-based negotiation. The administrative structure supports that orientation in that parties to mediation are made aware of the possibility of developing signed minutes of settlement at the successful conclusion of mediation and the presence or absence of minutes of settlement and their satisfaction with the minutes are evaluated on an ongoing basis.

The strong preference for a facilitative approach to mediation among practitioners would at first appear to run counter to the interest-based approach cited in the program

description and practices. However, practitioners have not ruled out the application of evaluative approaches and presumably have developed a way of incorporating both approaches in the course of delivering the service. It may be possible for example for a practitioner to rely primarily on facilitative techniques at the beginning and middle stages of mediation concentrating on developing an atmosphere of trust and open communication to facilitate the exchange of perspectives and information related to the nature of the conflict. In the later stages of the process as parties begin to explore potential outcomes, practitioners may find it helpful to provide a more structured type of intervention designed to identify potential avenues to agreement and to assist the parties in finding a mutually acceptable agreement. A more in-depth analysis of practitioners' perceptions of the mediation process as well as their performance in the mediation would have to be conducted in order to determine to what extent facilitative approaches to mediation have been integrated into the service delivery and what impact that may have on the respective outcomes.

Section two of the chapter addresses three questions regarding the impact of behaviour on mediation outcomes. The first question asked whether other parties attended mediation and if so what effect did it have. Third-party support persons attended both parties A and B, usually in the role of advocate during the course of 60% of CMP mediations. The presence of third-party support was found to be positively associated with the presence of signed minutes of settlement indicating an affirmative answer to the first question.

Mediators revealed clear similarities between the behaviour exhibited by both parties to mediation that were in turn considered by mediators to be important factors in the process. Factors such as willingness to listen to others, collaborate and commit to resolving the dispute were most highly rated, while demonstrated empathy, and expression of both apology and remorse were rated by mediators as having the least important impact on the process.

The examination of levels of association between party behaviour and the presence of signed minutes of settlement identified that the three behaviours of demonstrated

flexibility and openness, willingness to listen to the mediator as well as willingness to listen to the other party were positively associated with the presence of signed minutes of settlement. Those levels of association were found to be statistically significant affirming the answer to the second question of whether parties A and B behaviour had any effect on mediation outcomes.

Mediators rated the importance of a series of behaviours they had observed in themselves during the course of mediation. Of the 27 behaviours that were listed, eight were ascribed mean values of ≥ 4.5 out of a possible 5. The four behaviours of using probing questions, applying facilitative strategies, as well as persisting and encouraging resolution were found to be positively associated with the presence of signed minutes of settlement. The third question of whether mediator behaviour had any effect on mediation outcomes is affirmed by the presence of a positive association between mediator behaviour and mediation outcomes.

Although the items in the final part four of the survey were least frequently noted, it nevertheless yielded six strongly supported suggestions for areas of process improvement in the CM program. Overall, the data from the Mediator Assessment Survey informed the second perspective on conflict resolution as it is practiced in the CMP and provided some substantial insights into mediators' perceptions of the process.

The exploration of the parties' perspectives of conflict resolution indicated that slightly more than half were civilian, 25% were Army while members of the Air Force and Navy represented approximately equivalent portions of the balance. A majority of the respondents were in the 31-49 year age group, 20% were aged 50-59 and the balance was in the 20-30 years age category. The majority of respondents were male and the vast majority indicated their language of choice had been respected.

There was a slight variation in the reported mediation success rate. Mediators indicated that 75% of mediations were successfully concluded while 80% of the parties to mediation reported having completed signed minutes of settlement. Of thee parties who

had not reached signed minutes of settlement, 85% of them said they had made progress toward eventual agreement. The CMP rate of successful conclusion is relatively high as compared for example with the 54% settlement rate in the REDRESS program within the United States Postal Service (Nabatchi & Bingham (2010) p.228) and the 60.1% settlement rate indicated by McDermott et al (2001) in the EEOC program.

When asked if the mediation helped their relationship with the other party the majority of respondents either agreed or strongly agreed that it had helped. Approximately 93% of the parties would recommend the mediation program to someone else, and in the event they were involved in a future dispute more than 88% would use the mediation program again.

Parties to mediation were highly satisfied with the procedural aspects of how mediations were conducted, and reported similarly high levels of satisfaction with the fairness of how they were treated by the mediator. The parties indicated that mediators helped facilitate the development of realistic options but avoided evaluating the case and did not press them to accept uncomfortable resolutions. The majority of parties agreed that both they and the other party listened to and learned something new about each other's viewpoint but believed they were more willing than the other party to acknowledge its legitimacy. Parties also strongly agreed that mediators clarified goals and helped them understand other viewpoints. When evaluating the distributive aspects of mediation parties were highly satisfied with the overall outcome, believed it was fair and that they were able to exercise a sufficient amount of control in the process of getting there.

All of the constructs in the six-factor model of organizational justice demonstrated inter-item correlations in the high range that closely replicate the values found by Nabatchi, Bingham and Good (2007) indicating a strong level of reliability. When the characteristics that make up the Procedural Mediator and Interpersonal Disputant-Mediator, Interpersonal Disputant-Disputant and Distributive OJ constructs are perceived to exist, disputes are more likely to be resolved as indicated by the presence of signed minutes of settlement. The sense of a fair outcome combined with the parties feeling

respected, fairly treated and able to listen to and learn from each other, combined with the amount of perceived control they exercise appear to play an important role in the successful conclusion of mediation, as well as in positively influencing how people will respond to conflict in the future.

The Conflict Management Program within the DND/CF context represents a highly successful application of ADR in a high security organization. The program is clearly placed within the interest-based category but mediators appear to exercise a considerable degree of flexibility in the way they approach practice. They also demonstrate the capacity to accept and respond to unique characteristics of the local environment as well as the individual parties to the mediation. The way in which people interact with each other during the mediation process has a significant impact on the outcome. The parties to mediation demonstrate flexibility and openness, as well as a willingness to listen to each other. Practitioners exhibit persistence and a commitment to the process through the use of probing questions and facilitative strategies encouraging resolution. The vast majority of disputes are resolved and of those that do not reach a settlement the majority report having made significant progress. The outcomes compare very favourably to comparable large-scale programs in other jurisdictions. They also appear to have a far-reaching effect not only on the relationships between individuals but as well on the way in which members are likely to interact with and support DND/CF as a larger organization.

Chapter Ten

Findings in Perspective

Faced with intensive and critical reviews resulting from its performance during deployed operations as part of a United Nations task force in Somalia, DND/CF in 2001 introduced civilian-oriented, interest-based ADR into a military organization. The ensuing pilot project tested its application to a military context. The approach was approved and received the support of leaders at the senior command level. The DGADR office formed and began delivering DR training and mediation services in response to workplace-based conflict to members and employees in all major DND/CF installations across the country.

In the second setting the Office of the Correctional Investigator (OCI) had since 1992 been carrying out its legislative mandate responding to and resolving complaints arising from inmates in federal prisons. From 2006 to 2007, the OCI underwent its own intensive externally generated critical review that resulted in major changes to the way it delivered services. Veterans Affairs Canada (VAC) in the third setting initiated a major reform to the programs, benefits and services available to retired members and veterans of the Canadian Forces. The Office of the Veterans Ombudsman (OVO) was established in 2007 as a mechanism to oversee and ensure the fair delivery of those benefits and services.

This study aimed to examine the impact of how ADR services were organized and delivered within DND/CF and to compare and contrast that with the OVO and OCI in an attempt to determine the extent to which civilian-based conflict resolution services could be successfully integrated into a military organization. The following four research questions guided the study:

1. How were the DND/CF Conflict Management Program (CMP), the OCI, and the OVO formed, introduced, and implemented, and what influence did organizational change principles have on the process?

2. What goals were set for each? How do they influence the structure and operation of the programs?
3. How does the introduced program interact with the external organizational context?
 - Does organizational culture affect the reaction to its implementation?
 - What does a dispute resolution program look like?
 - How do CMP mediators approach the practice of mediation in a high security organization?
 - What behaviours affect mediation outcomes?
 - How does the mediation experience affect participants?
 - What are the implications for the larger organization?
4. How can the experience help to inform future efforts?

This chapter consolidates the major findings presented in the previous chapters. The first section describes the formation of the Correctional Investigator, Conflict Management Program, and Veterans Ombudsman and the various mandates and authority under which they operate. The second section examines their respective goals and objectives and their impact on resulting organizational form and structure. In the context of organizational culture, the third section examines how each office interacted with its larger organizational context.

Introduction and Start Up

The OCI is the longest standing organization of the three, having operated for 39 years at the time of this study. During the first nineteen years, it functioned under the ongoing administrative authority of the Inquiries Act and later received statutory authority under the Corrections and Conditional Release Act. In 2006, the OCI underwent a major externally driven critical review that resulted in significant reorganization and changes to its operational and reporting capacity.

The OVO as the youngest organization also formed in response to external events but in this case, it was because of intentional significant changes made to the schedule of

benefits and entitlements as well as the terms and conditions of their administration that accompanied the implementation of the Veterans' Charter. The Veterans Ombudsman is an Order in Council appointment and the office operates under the delegated administrative authority of the Minister of Veterans Affairs.

In the case of DGADR the impetus for change was a direct result of external events imposed on DND/CF that led to its formation under specified administrative authority. The terms of reference for all three offices stipulate providing voluntary dispute or conflict resolution services to a specific population of constituents. The constituents in two of the three cases are either members of or receive services from the organization providing the delegated authority, while, in the case of the OCI authority to oversee the service provider flows from a specific external statute.

The organizational context in which DGADR was formed differs markedly from that of the OVO and OCI. DGADR is an integral part of the authority-granting organization, as are the constituents it serves. A significant number of DND/CF members opposed its formation and were able to give effective voice to that opposition. The organizational context differed as well in the degree to which existing rights-based structures tended to determine what issues could be addressed, how that process was carried out and the range of outcomes that were possible. The complaint resolution mechanisms within DND/CF are described as heavily oriented towards rights-based structures. The levels of dissatisfaction with those structures played a significant role in defining the need for an alternative resolution mechanism.

All three organizations have defined lines of accountability. The OVO and OCI are ultimately accountable to Parliament through their ministers. Accountability for DGADR differs in that it has two levels: the military side, which leads to the Chief of Military Personnel and is administrative and internal; and the civilian side which flows internally to the Assistant Deputy Minister Human Resources Civilian and externally from the statutory authority under the PSLRA to the Public Service Labour Relations Board.

Although the timing varied to some extent, all three programs had to contend with the dual challenges of responding to an existing base of complaints while building the systems and procedures needed to sustain operations over the long term. In the case of the OCI, it operated for years with little significant change until the 2006 release of the Auditor General's report and the resulting requirement to make operational and administrative changes to address the identified deficiencies. In contrast, the OVO and DGADR faced that dilemma immediately on start-up. In both cases the organizations ramped up direct service delivery, while developing administrative support systems at a slower pace. In all three cases the challenges of developing robust and effective response capacity, while expounding clear expectations and maintaining consistent service delivery standards, created sufficient internal pressure leading to administrative as well as structural changes.

Implementation Form and Structure

DGADR had three clearly articulated goals: providing DR services to members and employees; skills training in the application of DR to workplace-based conflict; and broad-based education on the concept. In response to opportunities arising from the introduction of major changes to the non-commissioned officers' (NCM), career development and training syllabus the training goal split into two streams and expanded considerably beyond its initial form. The expansion into career-based training involved a significant infusion of resources and a greater proportion of CF members in DGADR staff positions. In addition to expanding career-based training, the CF undertook the ADR First initiative intended to foster ADR as the first step in response to an identified conflict. Although the application appears to have varied considerably across environments and locations, the demand for DR services increased significantly during this time.

Both OVO and OCI had clearly defined organizational goals and a mandate to provide broad-based educational services, but neither had a mandate to provide training in conflict resolution. OVO and OCI shared a common ombudsman structure intended to address the parts of their mandates requiring them to identify, respond to, and resolve

complaints arising from the constituencies they serve. That mandate also provides a broad range of capacities that enable them to actively intervene in the organizations they oversee, whereas DGADR remains a strictly responsive service engaged only on the basis of a voluntary request from a constituent.

Regardless of the differences in mandate, the specification of goals in all three organizations had a significant impact on their structure and subsequent operations. DGADR and OCI had to contend with the challenges of serving a broad-based constituency in specific locations across the country. Complaints submitted to OCI come primarily from a population defined by their status in law and the fact they are detained in a prison where their rights, and entitlements are largely codified and reasonably consistent. OCI has met the challenge by maintaining a centralized location from which investigators are dispersed to specific locations on a scheduled basis to receive complaints, intervene when necessary and conduct required monitoring visits to facilities.

Requests for service arriving at DGADR differ greatly in that they are less specific, most often need some level of effort to identify the specific relevant issues, and require the active participation of individuals directly affected. The participants are free to move about according to their work and other routines, maintain varying degrees of organizational responsibility and can choose to engage in a voluntary intervention. The demands of accessibility, responsiveness, and relatively complex face-to-face intervention resulted in a loosely coupled, highly decentralized model with a significant level of differentiation among its service delivery units.

The challenge of responding to increased service demands and training role expansion highlighted structural weaknesses and philosophical tensions in DGADR. The loosely coupled distributed network of DRC's spread across the country with significant operational autonomy and a combination of civilian and military members struggled to meet competing demands for consistency, autonomy and responsiveness. DGADR modified its structure by grouping DRCs into geographically based atlantic, eastern, central and western regions, each headed by a Regional Manager who in turn was

accountable to DGADR. The tension surfaced in areas related to the role and function of DR services: reliability, and integrity of internal communication and the challenge of external accountability.

Although some mediators were CF members, civilian mediators provide the bulk of mediation services. They believed that direct provision of mediation in response to identified conflict was DGADR's primary purpose and function, and represented the best use of resources. DGADR practitioners with a military background held that integration of DR training into operational units and corresponding development of a critical mass of DR capable members would most effectively enhance CF operational capability and reduce the level of unresolved conflict.

The autonomous nature of the distributed network and the challenges of managing consistent internal communications lead to a sense of disparity between the DRCs and DGADR headquarters. Some members believed the DRC's organizational contribution was not adequately valued and expressed a level of mistrust and lack of confidence in DGADR headquarters leadership.

OVO organizational structure lies somewhere between the DGADR and OCI, influenced considerably by Veterans Affairs Canada. The OVO has a bilateral mandate requiring the Ombudsman to ensure fairness on behalf of, and provide complaint resolution services to, constituents, all while serving as an advisor to the minister, who holds responsibility for all aspects of the department. VAC operates from two locations: its service operations are delivered from Charlottetown, executive and senior leadership functions are based in Ottawa. In order to optimize the strategic location of its resources OVO has developed a similar organizational structure with its complaint receipt and first-level analysis housed close to VAC operations in Charlottetown and its complex case management, systemic research, and executive functions housed in Ottawa.

Impact of Organizational Culture

Among the three, DGADR operates within the most clearly defined and readily apparent command and control structure that supports and maintains highly regimented behaviour and demands a high level of individual and unit accountability. The resulting military culture and the significance of its impact on individual as well as group behaviour is documented in Chapter 1. Although many of the most senior leaders of the command structure strongly supported DGADR, a number of CF members viewed it as an imposition on the military and from inception it faced stiff resistance from many quarters of the CF. Gaining credibility was a long uphill battle. However, as it established itself, resistance started to fade and it began to enjoy strong operational level support and an increasing demand for service all of which are indications of developing domain consensus within DND/CF.

To develop that credibility DGADR had to demonstrate its value on two fronts. First, it had to produce results with the successful resolution of conflict and the reinforcement of workplace harmony. Second, it had to establish a legitimate role in leadership doctrine that is a central element of the command and control structure. DGADR succeeded in developing high value skills training in the form of RCE and CEML courses delivered through the DRCs, and incorporating DR skills into all levels of the NCM career-based training from raw recruits to the highest levels of Chief Warrant Officer. Corresponding integration into the civilian executive levels and the officer professional development curriculum did not occur. Despite significant challenges documenting and reporting successful outcomes on the first front, the mediation services consistently resolved conflicts and the application of conflict resolution in pre-deployment training reinforced its value — informal word-of-mouth communication surpassed the formal systems of disseminating organizational learning and individuals began to take responsibility for communicating success and recommending both mediation and skills training.

Although aspects of organizational culture have affected the OVO and OCI, the effects differed across locations. Correctional Services Canada – the body that OCI oversees – represents in many respects a command and control structure embodying many of the aspects of culture that appear in military organizations. However, CSC is a federal, civil

agency responsible for the management of federal penal institutions and for ensuring the safety of its inmates and staff members. In that respect, it differs greatly from the war-fighting capacity and function inherent in military organizations. Despite the differences CSC has to maintain the capacity to recognize and respond effectively with necessary force in carrying out its responsibility to maintain the security of the staff, inmates, and institutions. As a result, CSC relies on the attributes of a command and control structure to perform those functions.

Although the OCI is a statutory organization separate from CSC, it has responsibility for its oversight and as a result needs to carry out its role in that culture and maintain the capacity to understand the culture and interact effectively with it. Command and control cultures tend to be wary of transparency. OCI described this aspect of the relationship as an ongoing challenge in investigating and resolving complaints arising from inmates and securing timely response to its recommendations. OCI investigators conduct regular onsite inspections in correctional facilities, meet with, and work to resolve complaints they receive from inmates. Those functions bring the investigators in direct regular contact with CSC staff members, requiring them to demonstrate administrative fairness, communicate effectively, and maintain an ongoing productive relationship.

VAC does not appear as a command and control organization similar to CSC and DND/CF, but OVO interviewees referred to it as a closed bureaucratic environment that is also averse to transparency. VAC's role in the initial stages of developing and working with the OVO evinced a level of reliance on VAC that could have significantly constrained the extent to which the OVO would have been able to exercise independence in carrying out its mandate. To overcome those constraints OVO had to identify the problems and over time develop mechanisms to provide sufficient levels of autonomy and protect its independence as an ombudsman's office providing effective oversight.

The impact of organizational culture is also evident in the external and internal dynamics that OVO encounters when responding to complaints from constituents. OVO and VAC constituents are predominately veterans of military service with varying degrees of

acculturation into the military ethos. Many VAC employees do not understand the impact of military culture and thus are not adequately prepared to communicate effectively with the constituents they are required to serve. For example, for veterans to secure the services and benefits they are entitled to from VAC, they are first required to establish their identity as veterans and validate their military service. Rather than coordinating and helping to facilitate that task, VAC places the onus on the veteran to understand how to navigate the complexities of searching records and have the resources and capacity to persist in a search that can often be difficult and frustrating. Even with their identity established, veterans face another challenge in understanding the eligibility criteria inherent in the existing benefit programs. In the event of any initial uncertainty about entitlement, the default response from VAC is to deny the application, thereby putting the applicant off to a second stream appeal process with its attendant uncertainty and delays.

The organizational environments and cultures that DGADR, OVO, and OCI operate in are larger, highly defined organizations with a specific mission and focus carried out with well-established behavioural patterns. The respective cultures present differently and have varying levels of impact, but all require highly skilled practitioners who can deal with complex and often highly charged problems while often working alone in these demanding environments. All three organizations face difficulty maintaining the optimum balance of providing realistic guidelines and standards to ensure consistent fairness in practice while at the same time allowing room for creative response to unique emergent circumstances.

Summary

This analysis indicates that although the source and type of external forces differed, all three organizations faced significant external challenges such as the Auditor General report that in the case of OCI involved a major transformation of operations and procedures, and the Somalia inquiry and resulting changes to DND/CF rights-based complaint handling mechanisms. DGADR is structured as an integral part of DND/CF, providing voluntary responsive mediation service to a specific population of employees and members of the CF. It arose in distinct contrast to its predominantly rights-based

environment and was propelled to some extent by the accumulated level of dissatisfaction with the limitations of existing complaint handling mechanisms.

In contrast to DGADR, the OVO and OCI are external ombudsman offices that receive and respond to complaints from constituents of the organizations they monitor, exercising their authority to pursue independent complaint resolution in those organizations. OVO and OCI focus on administrative fairness and deliver non-binding recommendations for corrective action, which distinguishes them from the organizations in which they work.

Lines of accountability were defined in all three settings, but they are not necessarily clear and, in the case of DGADR, led to a low level of tension, which persisted from inception. The OCI, as a completely external office with statutory authority reporting through the minister to Parliament, represents the clearest accountability path. The OIC appointment delegating administrative authority to the Veterans Ombudsman, who reports to the minister, represents a clear but more limited form of accountability. DGADR has a bifurcated internal line of accountability, complicated by an imbalance of resource allocation and originating authority. DGADR, under delegated administrative authority, reports directly to the Chief of Military Personnel, who provides the resources needed to sustain operations. DGADR also reports directly to ADM HR Civ on the civilian side, which supplies no material resources, but statute requires it provide an informal conflict management system to DND/CF employees. The dual accountability with its attendant imbalanced resource allocation represents an ongoing challenge.

All three organizations have clearly defined functions stated in legislation and/or administrative directives that largely determine their organizational structures and ongoing operations. The requirements to address complaints and identified conflict arising from constituents and to provide broad-based education regarding that service is the common thread among all three, and all have dedicated a major portion of available resources to fulfill those obligations. The combination of organizational goals and operating environments led to unique organizational structures. The OCI developed a central office, where it conducts systemic reviews, receives, and processes complaints

and assigns investigators to conduct onsite visits and complaint resolution in CSC facilities across the country. OVO has two sites mirroring the VAC structure of providing constituent-oriented services in one location, and executive functions in another.

In addition to providing education and DR services, DGADR is required to provide ongoing conflict resolution training to DND/CF members and employees at all major CF installations across the country. The challenge of meeting those requirements led to a loosely coupled, highly decentralized model in which DRCs operate with a significant level of autonomy across the country. A major consequence has surfaced with tensions related to philosophical differences between civilian and military practitioners about the role and function of core DR services, disparity between DRCs and headquarters about the reliability of internal communications and the challenges of managing, collecting and reporting on data needed to meet requirements for external accountability.

Organizational culture has exerted a significant influence on all three organizations, but is most evident in DGADR. Formed and operating within a well-defined military culture, from its inception DGADR represented a threat to existing lines of authority in the command and control structure, and a challenge to the central role of the relationship between leaders and the sailors, soldiers and aircrew under their command.

To overcome that resistance, DGADR had to demonstrate its value in two ways simultaneously. First DGADR showed that it had a legitimate role in the leadership doctrine that underpins the chain of command. Second, it succeeded in incorporating effective DR skills into the career-based training for all NCMs, although the professional development curriculum for officers does not integrate DR skill training to the same degree. DGADR resolved workplace-based conflict and demonstrated the value of applying conflict resolution skills in operational units on major deployments. Despite this operational success, DGADR faced a related constraint in its limited capacity to report effectively on the value it provided for DND/CF.

The impact of organizational culture is evident in OVO and OCI, but presents itself differently in different contexts. The impact of organizational culture on the OVO arises from two sources. The majority of constituents served by VAC and OVO have served in and been acculturated into the military ethos. Understanding the impact of that culture and communicating effectively with constituents is an ongoing challenge for VAC employees. VAC itself, although it is not a military organization, has demonstrated a tendency towards risk aversion and benefits control that significantly influences the assumptions underlying its service model and how it responds to constituents.

The impact of organizational culture is most apparent for the OCI in the command and control nature of the CSC, which arises from its requirement to manage facilities and respond to security threats. The insular nature of the organization, and its resistance to efforts to enhance transparency, often presents challenges for OCI investigators working to resolve complaints and conduct on-site visits. Those characteristics are evident in the ongoing challenge OCI faces in getting its recommendations recognized and acted on.

This chapter examined the experience of introducing the DND/CF, OCI and OVO conflict management programs. Each setting developed an organizational structure that reflected its own objectives, as well as factors such as the culture, structure and geographical lay out of the host organization. The organizational environments and cultures that DGADR, OVO, and OCI operate in are larger, highly defined organizations with a specific mission and focus carried out with well-established behavioural patterns. The respective cultures present differently and have varying levels of impact, but all require highly skilled practitioners who can deal with complex and often highly charged problems while often working alone in demanding environments. All three organizations faced difficulty maintaining the optimum balance of providing realistic guidelines and standards to ensure consistent fairness in practice while responding to emergent circumstances. The next chapter will consolidate observations about how each of the subject organizations adapted to their particular setting focusing particularly on the experience of managers, mediators, and parties to mediation.

Chapter Eleven

Institutionalization and Outcomes

Introduction

This chapter examines how the Director General Alternate Dispute Resolution, the Office of the Veterans Ombudsman, and the Office of the Correctional Investigator adapted to their institutional environments. It presents the major findings from the data gathered during the interviews with members of OCI, OVO and DGADR as well as from the implementation of dispute resolution services in DGADR including mediators' approach to conflict resolution; assessment of participant behaviours that affect mediation outcomes; participants' perceptions of their experiences; and outcomes of the mediation process.

Interviewees' Observations

One means of gauging the extent to which a program or initiative is institutionalized is to examine indicators of its integration into the fabric of its organizational context. The essential criterion in this regard is the capacity to overcome challenges. All three organizations persisted and were in full operation during the data collection period.

The capacity to respond to external pressures and effect change in the larger organizational context provides another indicator of the level of institutionalization. OCI interviewees report having established a level of credibility such that, although not beyond challenge, the reports and recommendations put forward are given serious consideration by the general public and CSC in particular. Interviewees also noted that in response to some of their recommendations, significant changes were made to CSC policy that have increased the level of professionalism within the service leading to a safer internal environment and, in the end, safer communities.

OCI incorporated a strategic approach to establish priorities and allocate resources in order to achieve its objectives. It focused on establishing and maintaining effective and cooperative relationships with CSC and developed and continues to invest in systems that

enhance its capacity to receive inquiries and complaints, capture relevant data, and improve investigation and complaint resolution.

From its inception OVO had to assert its independence from VAC. It succeeded in securing delegated authority to manage its own human resources and financial systems, and negotiated memoranda of understanding clarifying the provision of a range of administrative services. OVO also succeeded in developing and implementing its internal data tracking and management systems and has integrated the Benefits Navigator case management system with VAC operations.

In summary, OVO and OCI persisted in the face of challenge, evaluated and set their strategic directions, and developed the infrastructure needed to expand and improve their response capacity. Because of their mandates to provide external oversight, OVO and OCI determined that it is in the overall best interests to develop and maintain effective cooperative relationships with the organizations they oversee and both have placed a premium on maintaining that balance. These factors tend to support and reinforce their institutionalization into their respective larger organizational contexts.

DGADR differs significantly from the OCI and OVO in that it does not have a mandate to provide external oversight. As a result, its indicators of institutionalization become more internally focused. It shares the need to survive, and DGADR has persisted despite the challenges and obstacles it has encountered. The provision of dispute resolution services represents a major portion of its function and indicates DGADR's institutionalization.

Mediator Style Preference

Mediation practitioners play a large role in determining the way service is delivered and how participants perceive it. To the extent that service delivery is consistent with and supports the larger organization, which indicates a level of institutionalization, they will tend to be accepted and in turn reinforced.

Although the literature does not refer to either evaluative or facilitative approaches to mediation, it describes the DND/CF Conflict Management Program as one based primarily on the principles of interest-based/evaluative negotiation. Parties to mediation are made aware of the possibility of developing signed minutes of settlement at the successful conclusion of mediation. The presence or absence of minutes of settlement, along with their satisfaction with the minutes, are monitored and evaluated on an ongoing basis. All of these practices represent interest-based or evaluative approaches.

A large majority of mediation practitioners are civilian and the remaining 16% are either regular or reserve members of the CF. They are concentrated in the 31 – 59 age group, and a small number are in the highest age category of 60+ years of age. The group includes both genders, of which 58% are female. All of the practitioners completed formal mediation, with roughly half of them reporting graduate or post-graduate university programs and the other half reporting certificate-level credentials.

Despite the Conflict Management Program's interest-based description most practitioners prefer a facilitative approach to mediation. Although the preference is not as strong among a minority of respondents, no practitioner indicated a strong preference for evaluative techniques. This, however, should not be viewed as a rejection of evaluative approaches – the preference may instead indicate a willingness to consider aspects of both approaches in some circumstances. The capacity to consider both approaches is reinforced by the finding that, of the four mediator behaviours positively associated with the presence of signed minutes of settlement, two were indicative of facilitative and two of evaluative or interest-based approaches.

The preference for a facilitative approach to mediation among practitioners appears to run counter to the interest-based approach cited in the program description and practices. However, as indicated by assessments of their own behaviour, practitioners have not ruled out the application of evaluative approaches, and may have developed ways to incorporate both approaches in the course of delivering the service. It may be possible for example, for a practitioner to rely primarily on facilitative techniques at the beginning

and middle stages of mediation, concentrating on developing an atmosphere of trust and open communication to facilitate the exchange of perspectives and information related to the nature of the conflict. In the later stages, as parties begin to explore potential outcomes, practitioners may find it helpful to provide a more structured type of intervention designed to identify potential avenues to agreement and to assist the parties in finding a mutually acceptable agreement. The multi-stage adaptation of mediation approaches is compatible with the CM program description and may indicate an as-yet-untested intervention model.

The diversity of practitioner approaches appears to carry forward to the way they conduct mediation. The majority include not only the parties who have a direct interest in the conflict at hand, but also the people related in some way to one of the parties and provide a supportive role for them in mediation. Although there is a lack of data indicating how their presence might affect the outcome, a third-party appears to help with the presence of signed minutes of settlement.

Within a preferred approach to mediation, practitioners demonstrate a level of flexibility that enables them to incorporate support persons successfully into the process. It also provides scope for applying a range of both evaluative and facilitative interventions compatible with the way conflict resolution services are formally presented in the DND/CF literature describing the program.

Mediation Outcomes

The outcome of engaging in a process provides another indicator of the extent of the integration of a new set of repertoires and practices. Successful outcomes tend to be associated with the new organization and reinforce participation while negative ones tend to have the opposite effect. Improved mediation should point to greater prospects for institutionalization.

Most of the reported mediations resulted in the preparation of signed minutes of settlement with correspondingly high levels of associated satisfaction. The vast majority

of the parties to mediation reported achieving resolution with correspondingly high rates of satisfaction with the settlement. In the minority of situations that were not resolved, the vast majority of that group said they made progress toward eventual agreement. Overall, approximately 85% of mediations achieved either a partial or an entirely successful outcome.

Although an important indicator, the mediation outcome represents an historical event, and it alone does not provide an indication of how sustainable any positive associations with institutionalization might be. A strong majority of parties would recommend the mediation program to someone else, and in the event they were involved in a future conflict would use the mediation program again. Taken together the combination of highly successful mediation outcomes and the clear intentions to recommend and use it again if needed, provide indications the CM program has integrated into the core fabric of the institution.

The parties' assessment of organizational justice also indicates the extent to which the CM program is integrated into its organizational context. The majority of parties report high levels of satisfaction with how mediators helped them clarify goals and listen to each other, the mediators' overall fairness as well as with how they conducted the mediation. They agreed the other party listened to and learned something about their viewpoint and they, in turn, learned something about the other's point of view. They believed, however, that they extended acknowledgment of the other party's legitimate interests more often than they were acknowledged in return. Mediators also observed that approaching mediation with flexibility and openness and being willing to listen to the other party as well as the mediator help with successful resolution.

Although the interactional aspects of mediation processes are important, no assessment of mediation would be complete without considering the ends. The overall outcome, its fairness, and the amount of control the parties exercised in getting there, are all indicators of the result and consistent with the previous measures – the parties report very high levels of satisfaction with all three markers.

Parties to mediation strongly supported all six constructs measuring organizational justice, indicating they were confident they had listened to and learned from each other; the mediator respected and treated them fairly; they had sufficient control over a fair process; and they had achieved a just outcome. Parties' agreement with organizational justice is abundantly clear, but is it likely to lead to a successful mediation outcome? When the specific characteristics of Distributive Justice, Procedural Mediator, and Interpersonal Disputant-Mediator are present, the mediation is more likely to result in a successful conclusion, and people are more likely to refer to mediation resources in response to conflict in the future.

The analysis of Organizational Justice constructs indicates that of all six constructs Distributive Justice is the only one presenting a statistically significant positive correlation with mediation outcome. Does that in turn indicate that Distributive Justice is the only relevant construct to consider in assessing the impact of ADR in the conflict management program? The question can be addressed by considering two issues: the structure of the measures and their relativity. The distributive construct address a specific definable factor in the form of the actual outcome, that in the case of CMP, is represented by signed minutes of settlement. All the other questions address less quantifiable aspects of the process. As a result, they may contain considerable variation over the course of the mediation that may in turn exert some influence on the participant ratings. In addition to these structural issues, participants were asked to respond to the questions in groups organized by construct. Participants then responded to each construct separately. They were not asked to rate the relative importance of the questions or the constructs, and as a result, comparing the relative statistical measures would be drawing an incorrect inference that respondents had ranked that aspect of the variables.

When the Distributive Justice, Procedural Mediator, and Interpersonal Disputant-Mediator characteristics exist, conflicts are more likely to be resolved as indicated by the presence of signed minutes of settlement. In cases where parties do not reach signed minutes, the majority of respondents still report having made substantial progress towards

potential resolution. The sense of a fair outcome, parties feeling respected, fairly treated and able to listen to and learn from each other, combined with the amount of their perceived control are important aspects of participants' experience. They play an important role in the successful conclusion of mediation as well as positively influencing how people will interact with each other and respond to conflict in the future. That level of confirmation of organizational justice indicates that parties who participate in mediation tend to be positively associated with and will work to support DND/CF, ultimately a strong indication of a significant level of institutionalization.

Summary

The analysis of data provides indications of successful institutionalization consistent with both criteria of Selznick's (1957) description of "...infusion of value beyond the task at hand." and "...the test of infusion is expandability", in that both OVO and OCI have made significant developments in their administrative structures and incorporated a strategic orientation to future operations. Indicators of institutionalization in the case of DGADR are internally oriented arising from the application of DR services to constituents. The analysis of CMP interventions indicate that mediators express a preference for an elicitive approach to the practice but maintain a high degree of flexibility in its application. Measures of mediation outcomes indicate a high rate of success, high levels of participant satisfaction and strong endorsement of the CMP. In addition to the outcome measures, assessment of organizational justice indicates participants believe they receive fair treatment in an equitable process that results in fair and balanced outcomes. Interviewees from DGADR, OCI and OVO as well as mediators and parties to mediation strongly endorse the application of conflict resolution in their respective environments and offer a series of practical recommendations.

Although three conflict resolution programs have different mandates, operate in environments with varied challenges and have application to programs in other areas. DGADR demonstrated the successful application of organizational justice concepts that can be reliably measured and appear to be applicable to other settings. Its capacity to identify and respond to emerging needs such as deployed operations with solutions

specifically designed to meet client needs demonstrates the value and application of situational awareness. DGADR achieved a significant level of domain consensus, but its struggle to reliably exhibit its impact serves as a reminder of the importance of building and maintaining capacity to demonstrate value accruing from operations.

The contrast between OCI's statutory authority and associated resource base and the levels of uncertainty in the circumstances in both OVO and DGADR exemplify the long term effect that interest dissatisfaction and resource dependency can have on organizational sustainability. All three case-study organizations have developed strategic plans and associated objectives. OCI has translated them directly into operational capacity and aligned its efforts and resource allocation to the stated objectives. One of its objectives has been to develop and maintain a high level of public credibility and OCI has demonstrated both the level of effort required and benefit of achieving that over time.

Start up and implementation is a significant theme arising from the OVO case and its efforts in those areas indicate the importance of taking a measured approach with a view to long-term sustainability. It has demonstrated the ability a small tight knit organization has to identify significant limitations in the host organization's response capacity and design innovative solutions that add significant value to operations. In terms of its internal structure and function OVO demonstrated the value of developing procedural consistency as well as defining and clarifying with the host organization its relationship and the nature of its resource dependence.

The case-studies have demonstrated a range of approaches to developing and managing successful conflict resolution programs that have potential application to each other as well as the wider context of efforts to resolve disputes in high security organizations. Each has encountered unique circumstances that highlight the challenges associated with implementing new behavioural repertoires. Their experience in meeting those challenges in these settings can help inform similar efforts in other organizations. The next chapter will consolidate what lessons the analysis has to offer and anticipate new questions and potential means of expanding on the existing knowledge base.

Chapter Twelve

Conclusion and Future Implications

Introduction

This study was motivated and informed by practice. It is influenced by the values and principles of military leadership but also driven by the belief that understanding what happens when things go wrong can help us be better leaders and the application of careful, thoughtful observation and rigorous analysis will assist in that endeavour. By themselves, intentions and rigor are not sufficient; they have to reflect the day-to-day reality of managing conflict arising from the complexities of human interaction.

The study examined the application of conflict resolution, new capabilities in three public-sector organizations operating in high-security settings, in order to ascertain what impact it had in those settings, and to determine whether an intervention approach developed largely in civil settings could be successfully applied in high security environments. The Department of National Defence and Canadian Forces, the Office of the Correctional Officer and the Office of the Veterans Ombudsman provided the HSO settings for the data collection. The DND/CF and OCI strongly display the attributes of high-security organizations, while OVO serves a constituency originating from those environments. A summary of the major findings appears in Table 8 on the next page.

The first objective of this study was to describe how each organization formed and how the process influenced its purpose and function. The second objective was to determine how the environmental context affected its design and ongoing operations, and how the organization in turn affected its surrounding environment. The third objective was to examine a specific application of ADR in a high security setting in this case the DND/CF conflict management program. Finally, the study considered the implications for these three organizations in particular and for the application of conflict resolution in high-security environments in general. The discussion will start with an overview of the conflict management programs, then move deeper into the results addressing the first three objectives and on that basis move back up to consider the longer-term implications.

Table 8: Summary of Findings by Research Question

Research Question	DGADR	OCI	OVO
1. Formation, Implementation and Organizational Change	<ul style="list-style-type: none"> • External pressure for change • Internal bifurcated administrative mandate • Internal clients • Internal resource dependence • Expanded training goals caused internal changes 	<ul style="list-style-type: none"> • External pressure for change • External statutory mandate • External clients • Independent resources • External review led to new CI and redefined organization 	<ul style="list-style-type: none"> • Internal decision to change • Statutory bilateral mandate with limited authority • External clients and Internal VAC client • Internal resource dependence • OVO-VAC tension led to new VO and redefined organization
2. Goals Objectives and Structure	<ul style="list-style-type: none"> • Dual DR / Training Goals • Undefined conflict • Voluntary intervention • Decentralized network model 	<ul style="list-style-type: none"> • DR / recommendation Goals and Public Education • Defined conflict parameters • Mandatory intervention • Centralized sole source model 	<ul style="list-style-type: none"> • DR / recommendation Goals and Public Education • Partially defined conflict • Mandatory intervention • Dual location with split functions model
3. Culture, Mediation Style, Practice and Outcomes	<ul style="list-style-type: none"> • Command/Control culture • Strong resistance • Performance based Credibility • Professional credentialed mediators • Elicitive style ~ interest-based mediation program • Adaptable intervention • High organizational justice • High mediation success rate • Strong participant endorsement • Strong operational DR training success 	<ul style="list-style-type: none"> • Command/Control host • Moderate resistance • Performance based Credibility • Professional un-credentialed investigators • Successfully resolved investigations • Largely accepted recommendations 	<ul style="list-style-type: none"> • Closed bureaucratic host • Moderate resistance • Performance based Credibility • Professional un-credentialed investigators • Successfully resolved investigations • Largely accepted recommendations
4. Institutionalization and Broader Application	<ul style="list-style-type: none"> • ADR largely accepted • Operational support building • Senior leadership support uncertain • Significant apprehension about future structure 	<ul style="list-style-type: none"> • Mandate and operations accepted by host • Strategic priorities followed • Continued acceptance of recommendations • Resistance evident on specific topics 	<ul style="list-style-type: none"> • Mandate accepted authority clarified, refined • Strategic priorities developed • Growing acceptance of recommendations • Resistance evident on specific topics

ADR: An Alien Social Technology?

The analysis arising from the competing values framework, normative embeddedness and organizational change, the later references to the Canadian military as a non-adaptive organization as well as the documented internal resistance indicate that ADR represents an alien social technology. Why then was it not rejected in all three settings?

A close examination of the DND/CF conflict management program indicates that, first it benefited from strong leadership, which understood the short-term start-up challenges and the potential long-term benefits and thus were willing to make the necessary investment. Competent effective application of ADR technology established the program, which led to a successful implementation. The new technology produced results by resolving disputes that provided successful mediations, along with high satisfaction levels and organizational commitment. The introduction of DR skills into the career based training program for NCMs, and the consistent delivery of the Resolving Conflict Effectively and Conflict Management Leadership courses, expanded the critical mass of conflict resolution capability. Successful adaptation of the skills into pre-deployment training on operational missions, combined with CF members able to credibly speak to their effectiveness, demonstrated the capacity for DR skills to enhance operational effectiveness.

The data gathered from the DGADR parties to mediation survey examining organizational justice constructs provide a comprehensive assessment of the mediation outcomes, their effect on the individual participant as well as their ongoing impact on the organization. The majority of parties were either satisfied or very satisfied with the process dimensions conducting the mediation and with the mediators' fairness. The data on the Informational Justice construct indicated that mediators do not impose consideration of options or press participants to accept an uncomfortable resolution.

The assessment of interpersonal relationship between parties indicates they listened to and learned something new about each other's point of view and the majority agreed ADR had positive impact on relationship with the other party. Mediators also found in

their observations that approaching mediation with flexibility and openness and being willing to listen to the other party, behaviours consistent with the interpersonal dynamics were also important factors during mediation positively associated with a successful outcome. Parties also agreed the mediator played an important role in helping them understand the other's viewpoint and the other party to understand their viewpoint. Mediators also observed that parties' willingness to listen to the mediator is positively associated with successful mediation outcomes.

The parties were highly satisfied with the overall outcome of mediation, its fairness and the amount of control they exercised over the outcome. When the specific organizational justice characteristics Distributive, Procedural-Mediator, and Interpersonal Disputant-Mediator are present, the mediation is more likely to be successful and people are more likely to use mediation to resolve future conflict. The DGADR conflict management program demonstrates successful outcomes is clearly accepted and strongly endorsed by participants and is likely to engender ongoing support for organizational mandate and objectives.

Examining these features in particular settings brings them into sharp relief for each of the case study organizations. All three share the characteristics of strong forward-thinking leadership, a thorough understanding of the environment that supports competent implementation, and high levels of innovation and adaptability. The examples demonstrate that despite displaying the characteristics of bureaucratic hierarchy, risk aversion, and low adaptability, when they see the value of a new social technology such as ADR, HSOs can respond creatively, successfully institutionalizing the technology into their organizational framework.

All three organizations were established in response to significant events in their respective environments. In the cases of DND/CF and OCI, the events were unanticipated and resulted in external forces imposing conditions under which they formed. The impetus for change in OVO arose internally with the decision to modify the primary line of business that profoundly affected its constituents. The mandates given to each case

organization differed in terms of the degree of specification and levels of authority with corresponding effects on their structures and ongoing operations.

OCI's mandate evolved into a statute that establishes it as an independent office separate from the organization it oversees, and provided for clear lines of authority as well as a substantial level of assuredness in resources. Within that environment, OCI determined its strategic priorities, apportioned resources accordingly, and pursued those priorities in fulfilling its mandate. OVO operates under an administrative mandate closely linked to the organization it oversees with a more limited authority and a resource base initially largely prescribed and controlled by the host organization. The OVO since defined its strategic priorities, and later established its sphere of independence, securing increasing levels of autonomy in its resource base. DGADR is an integral part of DND/CF and formed under an administrative mandate with a bifurcated accountability in which resources flowed from one of the two lines.

DGADR's strategic priorities evolved from a primary emphasis on delivering conflict resolution services into a dual emphasis on conflict resolution services and training. As a result of changes to the PSLRA its mandate led to a statutory authority for one line and an administrative authority for the other. DGADR has struggled to define and maintain its strategic priorities and to establish greater certainty of its funding base.

Implementation has presented challenges for all three organizations as they sought to determine the optimal means of fulfilling their mandates. Although each had different goals, the goals largely determined the tasks, which drove the allocation of resources and in turn largely determined the nature of the resulting organizational structures.

Organizational structure also appeared to relate to role complexity. Regardless of the environment in which it occurs, intervening to resolve a conflict is a complex task that is difficult to define and demands a high degree of knowledge, skill, and ability on the part of the intervener. OVO and OCI have established protocols to investigate and intervene in order to resolve complaints arising from a decision, which tend to define some of the

intervention parameters and reduce levels of complexity. DGADR, on the other hand, employs mediation based on a set of principles the mediator exercises with considerable discretion when applying to conflicts. The conflicts generally are not clearly specified and the parties to the conflict determine outcomes, all of which results in a high degree of role complexity. All three organizations responded to the pressure that role complexity creates by increasing role clarity, responding to increasing needs, and reducing levels of value conflict. OCI and OVO developed centralized operations in one or two sites respectively, while DGADR developed a decentralized structure relying on a high degree of DRC independence to clarify roles, respond to local needs, and reduce value conflict that has as significant environmental component.

DGADR's challenge of managing a loosely coupled distributed network of DRCs came in the form of competing demands for consistency, autonomy, and responsiveness. The ascendance of training as a priority in DGADR's mandate gave rise to an un-reconciled tension between headquarters and field offices over the two philosophical approaches to conflict resolution.

Effecting Change in the External Environment

Effecting change in the culture of their respective environments exposed all three case study organizations to the challenge of dealing with normative embeddedness, which has tended to resist efforts to introduce new information and adjust behavioural repertoires. Resistance to change and the forces of institutionalization appeared with challenges to the legitimacy and credibility of these new approaches. OCI's statutory mandate articulates its legitimacy but it had to remain vigilant in protecting it against erosion or constraint, and had to rely on it to reinforce its right to impose itself in addressing problems in situations where initially it was not welcome. OVO responded to initial constraints on its capacity to investigate and its access to resources by demonstrating its determination to assert its independence and negotiating increasing clarification of its mandate.

DGADR, especially in the early years of its formation, faced considerable resistance from the CoC that, on an organizational level, indicated a non-adaptive culture. In the absence

of legitimacy clearly defined by statutory authority DGADR has had to rely on the active support of senior leaders, which although strong and consistent in its formative years, may be waning in more recent times. Following the completion of data collection for this study DGADR staff members were informed that a planned 41% reduction in program budget would entail an 89% reduction in Regular and Reserve military positions, a 47% reduction in civilian positions, and a reconfiguration of Dispute Resolution Centres from 13 centres in 7 provinces to 4 centres in 3 provinces. The expected completion date was March 2014. Practitioners and managers identified the challenges of collecting and presenting the evaluative data needed to effectively demonstrate the value of services provided by DGADR. However, this study was not designed to take into account later major policy changes. It is therefore unable to address such significant questions as: (1) to what extent are budget and program changes of this order related to those challenges, and (2) what is the effect of significant program reductions on the long-term viability of ADR programs, which could either accelerate or impair the application of ADR programs.

OCI responded to challenges to its credibility by establishing clearly defined policies and procedures, developing its operational priorities and continually improving its response capability. OVO's efforts to establish and maintain its credibility involved developing internal standard operating procedures to improve reliability, clarifying its functions and role definition, and developing its data tracking and management systems to enhance service delivery and operational effectiveness. DGADR responded to credibility challenges in the training component by developing a well-received, career-focused training program delivered by seasoned military members as well as skills-based courses tailored to meet local needs and delivered onsite by individual DRCs. It developed conflict resolution credibility by recruiting professional mediators capable of resolving conflicts in a creative and flexible manner that addressed local concerns. In contrast to the observed resistance, DND/CF and DGADR demonstrated high degrees of adaptability in areas involving the application of dispute resolution to individual and organizational challenges, such as operational deployments.

All three organizations recognized the importance of developing the technical capacity to collect, analyze and apply operational data to manage internal operations and report on and demonstrate value in their respective environments. OVO's data management system appears to meet current requirements for reliability and accuracy. OCI, despite the limited capacity of its data management system, appears able to meet its current requirements. The challenges faced by DGADR with a distributed network structure proved more than its data management system could handle, and was not able to collect analyze or apply the data needed to satisfy demands to reliably demonstrate the value of its operations.

The significance of leadership influence on change management efforts is readily apparent in all three organizations. The concerns regarding OCI operations raised by the Auditor General resulted in the appointment of a new Correctional Investigator, who embraced the need for change and invested the time and resources needed to establish a new direction, revise the organization and maintain a consistently high level of operational capability. ADR represents a concrete example of the application of normative power. The strength and commitment of senior DND/CF leaders in overcoming initial resistance and endorsing its use in managing internal conflict was an essential component in the formation and establishment of DGADR. That vision is reported to have persisted through a series of leadership changes, but leadership support seems to have weakened recently and the impact on the future of DGADR has yet to be determined. A revised mandate and a change in leadership at OVO had a significant impact on the organization. The current leadership's influence on operations is indicated by the focus on developing operational capacity, redefining its relationship with the organization it oversees, and the constituents it serves.

Assessing task and technology in the site-specific application of conflict resolution in DND/CF indicates that ADR is effective in resolving conflicts and effecting change in organizations as evidenced by resulting changes in policy as well as testimonials and endorsement of observers and participants. Practitioners tend to approach the task with a preference for employing an elicitive methodology, but appear to apply it in a flexible manner that takes into account the interests of the parties and the environment they work

in. The outcome of conflict resolution in the form of mediation is clearly successful in reaching signed minutes of settlement in 80% of the cases with a 90% satisfaction rate and of the 20% of cases not reaching signed minutes, 85% of them report having made progress toward resolution. Indications of successful outcome are not limited to an historical event as 93% of mediation participants report they would recommend the process to someone else and 88% of them would use the process themselves if it were needed at some time in the future.

Implications for Literature and Research

The principal findings of this study have a number of implications for the literature in this field as well as further research efforts that might be contemplated. The following section will highlight those implications and present a series of corresponding questions that could provide a starting point for additional data collection in this subject area as well as further interpretation of the data generated by this study. That will be followed by a discussion of how such research might be done and some of the challenges that are inherent in working in this environment. The discussion will identify some gaps in the literature and describe this study's contribution in addressing them and will consider the expansion of research into other high security organizations.

Precipitating and enabling conditions indicate that all three organizations arose from and were influenced by significant external events providing support for meeting the first set of the Greenwood and Hennings' conditions for change associated with erosion of normative embeddedness. Under these conditions in the public sector, performance problems and related shifts in power dynamics, as occurred in all three settings, create space for political discord. This discord, along with shifting resource and environmental conditions, create dissonance in signals regarding the need to change organizational archetype with the resultant increase in functional complexity. ADR and ombudsman offices appear to represent human relations cultures described in the Competing Values Framework, but they operate in the hierarchal cultures of HSOs. Their introduction into hierarchal cultures appears to have generated varying degrees of tension and resistance on the part of the HSOs. To what extent does value competition affect the introduction and

subsequent operations, and what could identify the potential and mitigate its subsequent impact?

The three high security settings examined in this study all have considerable potential for significant degrees of power imbalance at play in conflict situations. In the case of OCI inmates of federal penitentiaries have far less capacity to exercise power than Correctional Services staff members who administer all aspects of incarceration. Veterans filing a complaint with the OVO do so largely because the other mechanisms available to them have been unable to resolve their dispute with VAC that controls the programs they are attempting to gain access to. Mediation participants in the DND/CF conflict management program can present a variety of power dynamics ranging those flowing from the hierarchy inherent in the Chain of Command structure, to situations of minimal differences in levels of authority and control between parties. Despite the potential for power asymmetry new practices have been successfully incorporated into these organizations, nevertheless the question of its potential impact on dispute resolution programs deserves further fine grained study.

Observing the presence of precipitating and enabling conditions, along with the resulting impact on organizational change, gives rise to more questions about value commitment. What effect did the failure of DGADR to effectively demonstrate its operational value have on the level of interest dissatisfaction and value commitments within DND/CF? What effect did the ascendance of training in its mandate have on the structural differentiation in the mediator role and was it associated with a corresponding decrease in value commitment? These questions focus on aspects of the implementation process in the three subject settings that are not fully addressed by this study and would benefit from further exploration in these settings.

All three case studies provided instances of charismatic leadership demonstrating vision, energizing force and effective capability. The OVO case indicates that the leadership has transitioned into the second level of instrumental sustainment of change associated with structuring controlling and rewarding behaviours. The OCI case indicates that its leaders

may have transitioned into the third level of sustainment, demonstrating behaviour associated with ensuring the changes stick. What effect did changes in DGADR and CMP leadership have on its current condition and what does it indicate for potential change? Although these questions and those identified in the previous paragraph are based on a historical perspective additional knowledge about leadership and its impact on implementation would be of benefit to current and future program management.

Although the OCI, OVO, and DGADR mandates have different administrative and legal status, they share high levels of goal specification with corresponding influence on resource allocation and the resulting organizational structure and increasing role complexity. The OCI received statutory authority and relative assuredness of resources, providing its technical core with enhanced capacity to pursue its goals. The OVO on the other hand received an administrative mandate with an initial low level of control over resources inviting the need for collaboration. What effect did the type of mandate have on the establishment of legitimacy within the relational network and the resultant transfer of control to the technical core? What does OVO need to protect itself from the risk of being co-opted and imitating VAC? What effect did the bifurcated DGADR mandate and the failure to fully implement ADR First have on its efforts to establish legitimacy and consequential devolution of resource independence? Questions related to mandate, authority and legitimacy have particular relevance for current operations in both OVO and DGADR and to a lesser extent in OCI as well. Answering these questions would require new data collection and expanding research efforts beyond the three case studies to the respective host organizations.

Suggestions for Practice.

Data from three different sources that incorporate individual behaviour, process and procedures and organizational development can help inform the consideration of a possible course of action. First the parties to mediation have identified a number of factors that have a significant influence on the likelihood of resolving workplace conflict but the following five appear to have a consistently positive effect:

1. People respond positively to the opportunity to participate actively and to exert a measure of control over the process;
2. Efforts to resolve conflict benefit greatly when people demonstrate respect for each other and remain mindful of the importance of fair treatment;
3. Active, careful listening is essential;
4. Striving for and acknowledging understanding when it arises makes a difference; and
5. Viable options developed in the process are likely to result in enduring success.

Although not every workplace based conflict situation is amenable to mediation, the DGADR experience indicates that most disputes can be successfully resolved with correspondingly high levels of participant satisfaction. Successful outcomes result from respectful dialogue where participants are fairly treated and able to take an active meaningful role in the process. Regardless of whether that is maintained in the context of elicitive mediation or a predominantly interest-based approach the enduring nature of the success will foster engagement and longer term commitment in support of organizational goals and objectives.

Mediation practitioners provide the second perspective on process improvement and identified the following factors that in their view will enhance the way in which conflict is managed:

1. Prior to engaging in the process, ensure the nature of the conflict is suitable for mediation;
2. Ensure the parties to mediation have requisite authority to settle;
3. Parties to mediation need to be prepared to discuss all the relevant issues;
4. Parties can expect to encounter compromise; and
5. All settlement options need to be open for discussion.

The internal perspective of mediation practitioners indicates that resolving conflict is a complex process involving multiple stages that at times can demand both the parties and the practitioner maintain flexibility and openness in the face of potentially difficult compromises. Time and effort spent at the front end to ensure the issues are amenable to resolution and the parties well prepared will pave the way for successful outcomes.

Interviewees provide the third perspective in the context of the particular environment in which they operated and the following program suggestions that apply to all three organizations emerged from their responses:

1. Understand the needs and interests of the constituents and focus efforts and services to address them;
2. Developing a critical mass of people who understand DR and can apply the skills will enhance organizational capacity and promote excellence; and
3. Invest in and develop the infrastructure and systems needed to collect, analyze and report on the information needed to support operations and demonstrate value.

Conflict in the workplace arises out of the interactions between people. Resolution programs intended to achieve and maintain low levels of unresolved conflict have to be firmly grounded in the needs and interests of the individual and organizational clients they serve. Those interests will vary over time and a high degree of situational awareness is required to identify emerging needs and develop interventions that fit the culture, accurately address the objectives and are able to demonstrate their ongoing value.

Indicators of mediation and training outcomes support the successful application of ADR in high-security settings and are consistent with the suggestions offered by participants, practitioners and program managers. Although the data generated by this study has provided insight into a number of new research areas the analysis has also identified limitations related to the impact of mediation outcomes and skills training on participants' future behaviour, potential effects of mediation style on outcome and the application of organizational justice beyond the conflict management program to investigations conducted in ombudsman settings. The next four paragraphs highlight salient aspects of these topics their application to wider practice and the questions they give rise to.

Organizational justice constructs appear to be reliable as measured in a relatively small sample in this setting. Given the sample size does that reliability persist in a larger

sample? The data also indicate high levels of intention to recommend and use mediation again but in the absence of any follow-up data, what indications are there that the mediation experience leads to behaviours that support the organization?

Evidence collected from interviewee statements and post-intervention studies of pre-deployment training in conflict resolution skills indicate high levels of operational success. What additional evidence of training impact exists and, what effect does training in conflict resolution skills have on individual behaviour before, during, and following deployment?

The assessment of findings also has implications for conflict resolution practice. Mediator style in this setting indicates a preference for elicitive methodology but it appears not to be a dichotomous variable. Do measures of mediator style persist in larger samples and does mediator style have any impact on mediation outcomes? Practitioners appear to be flexible in their application of mediation principles and able to some degree to accommodate individual preferences. Do practitioners' behaviours exhibited during mediation demonstrate similar levels of flexibility, and do practitioners vary the application of mediation principles according to the stage of mediation they are in or the nature of the presenting issues? Practitioners identified five conditions for pre-mediation assessment and preparation. What impact does pre-mediation preparation have on mediation outcomes?

Finally an examination of the conflict resolution logic model and the organizational justice constructs indicates a level of correspondence with the investigation approach used in ombudsman settings. To what extent are ombudsman investigations similar to or different from mediation? Would the constructs provide similar levels of reliability and serve as a model for measuring outcomes in ombudsman settings?

The organizational justice constructs define specific participant as well as specific practitioner behaviours that are associated with levels of mediation outcome. Given their relationship to both mediation process and outcomes they demonstrate significant

potential for application to training practitioners working in high-security as well as ombudsman settings. The information contained in the constructs also indicate topics that could serve to guide the preparation and selection of professional development programs as well as in recruiting and selecting potential practitioners to work in these types of settings. Successful mediation outcomes relate most closely to levels of Distributive, Procedural-Mediator, and Interpersonal Disputant-Disputant organizational justice. Given the general nature of the observations contained in the constructs they appear to lend themselves well to incorporation into conflict resolution training in settings that employ ombudsman as well as mediation-style intervention.

Implications for Research.

The questions that have been generated represent three broad focal areas for research each of which can be further subdivided into a number of specific topics. The first area focused on program implementation and subsequent operations includes questions related to the implementation process, impact of leadership on operations and the consequences arising from different mandates authority levels and related legitimacy. The second area covers outcomes related to conflict resolution and skills training and incorporates the impact of mediator style, the durability of specific outcomes related to mediation and dispute resolution training and potential changes in participant behaviour. The third area is focused on the potential for broader application of the concepts to related sectors taking into consideration the extent to which organizational justice constructs could be used to measure outcomes and impacts in other areas such as ombudsman investigations, and the potential for providing a basis for training practitioners in these settings.

The results of this study indicate that although there are inherent challenges working in high security environments research can be conducted successfully and this study could serve as a platform for further efforts in this area. The following discussion will consider some of the design and methodological issues that bear consideration for future efforts. The literature review has identified some of the relevant subject areas that informed the research approach and could be expanded to include topics such as the competing values framework, implementation and leadership. This study is largely exploratory and the

resulting research questions are set in a general fashion leading to a broad range of data. Although managing the implementation and integrating the broad range of data was challenging at times the existing research questions could be applied in exploring other settings. The existing data-bases provide some baseline measures and subsequent questions could be more narrowly framed to focus on particular areas of interest. Collecting data in a large geographically dispersed organization can be a difficult and time-consuming process. The instruments and document and data handling procedures are a critical part of the effort and time invested in pre planning and testing will assist greatly in identifying potential obstacles and developing appropriate solutions.

As well as the technical aspects of the process the experience gained in this study also has implications for future research efforts conducted in high-security organizations. HSO's appear to share many of the characteristics of hierarchal cultures with an inward focus, tending toward integration and valuing stability and control. Relationships are important and researchers considering working in these, cultures need to take time to learn about the organization, understand, and be able to communicate in the language of that culture. Relationships take time and patience to develop but the initial investment in building rapport and gaining confidence is an essential component of securing internal sponsorship.

Most modern organizations have very little internal slack and are unlikely to entertain investing in research that does not appear to be immediately relevant to operations. Potential projects will benefit from thorough planning and researchers need to be able to explain them in plain language. HSOs work in complex risk-averse environments. Time spent understanding the work processes and designing interventions with the least level of intrusion will facilitate their introduction and mitigate potential resistance. People value privacy and confidentiality and will be intolerant of any doubt about its protection. HSOs tend to be tight knit and researchers need to allow time to maintain regular contact with internal representatives, ask for and provide feedback and report on implementation. Criticism and challenge will arise and acknowledging and responding openly will assist greatly with developing relationships and strengthening internal support. Although HSOs

are often difficult and demanding, the people who work and serve in those environments tend to appreciate its value and dedicate themselves to their work. It is incumbent on the researcher to maintain respect for the people as well as the job they are doing.

Findings and Related Gaps in Literature

The previous section identified three focal research areas of Implementation and Operations, Dispute Resolution and Outcomes, and Organizational Justice and Broader Applications that are relevant to this study. This section will consider each of those, identifying topics that have been able to add to the available knowledge in that area. Considering the first area of Implementation and Operations the subject of high security organizations has generated a number of observations. A great deal of effort in the literature has been spent on identifying characteristics of this organizational type comparing and contrasting features in order to differentiate between types and situate organizations within. Most of the examples arise from settings in which the organizations operate in highly technical areas and the discerning characteristics are largely taken up by technical and mechanical systems. Although the three organizational sites in this study deal predominantly with information and social relational technologies they share many of the HSO characteristics thereby demonstrating that information and their related systems can serve as a basis for identifying and situating organizations within the type.

DGADR has demonstrated in applying dispute resolution skills to DND/CF pre-deployment training that, like other high reliability organizations, it has the capacity to switch from an emphasis on lessons learned from specifying and controlling inputs in order to control outputs to a focus on increasing operational response capacity to respond to highly variable and unexpected events. The DND/CF example also demonstrates that the capacity is not limited to changing system parameters or operational procedures but can also be done in the form of skills based training that effectively builds the capacity into the individual operator's behavioural repertoire.

The competing values framework provided a useful means of positioning the introduction of ADR in the three case study sites, and using a broad range of organizational

development concepts was able to animate the process with organizational dynamics. The framework implies that values are confirmed and that the differentiation is valid and sustained. The experience in DND/CF however, indicates that although ADR at first appeared to be at odds with the high security culture, it is actually congruent with the values of military ethos and CF leadership doctrine. The difference then appeared to be based on perception, and when the perception changed it was followed in large measure by a behavioural change that indicated the differentiation was no longer sustainable. Competing values in this case was not static but rather is dynamic and responsive.

Although the competing values framework is helpful in describing context, the concept of normative embeddedness has proved useful in identifying the associated behaviours. In addition to the stated conditions of power and resource dependence under which it is subject to fragmentation, this study indicated that normative embeddedness is also subject to changes in individual and organizational learning. When a significant number of members embrace a program such as ADR and it in turn becomes accepted on a larger scale in the organization the embeddedness can change from resistance to support.

The concepts of precipitating and enabling dynamics represent another aspect of organizational change dynamics highlighted in this study. The conditions of: Sufficient interest dissatisfaction; Competitive or reformative value commitments; Enabling pattern of power dependencies; and Sufficient enabling capacity for action appeared to be required in order to effect the change associated with introducing each of the three case study organizations. Once established, all three were responsible in varying ways for initiating significant levels of change in their respective host organizations. The experience indicates that impetus for change is not limited to just the influence of the external environment but that change agents can apply both precipitating and enabling dynamics to effect intentional change from within the organization.

The discussion of normative versus coercive power particularly in a military context tends to portray differences between them indicating a level of exclusivity. The experience in this study indicates that ADR can be viewed as a demonstration of

normative power. In adopting it as a dispute resolution mechanism to be considered among a host of rights-based options, DND/CF had demonstrated that organizations are able to decrease reliance on rights-based or coercive mechanisms in favour of normative power. This result indicates the distinction between the categories may be more fluid than at first appears and they are not mutually exclusive but may represent positions on a continuum.

Within the focal area of dispute resolution and outcomes the discussion of implementation does not fully describe the factors that are needed for success in the ADR field. The experience in the three subject settings has served to identify a number of factors that appear to be associated with successfully implementing ADR programs into existing organizations. Those factors are related to ensuring the people delivering the service have and maintain a high level of technical competence; implementation is well planned and effectively conducted; and that the services maintain the capacity to adapt and respond to changes arising in their respective environments. The data from this study demonstrate that conflict resolution systems have been effective in high security organizations thereby expanding its application to a new range of settings.

The subjects of the mediator's style and the classification of program types is a frequent subject in the conflict resolution literature. Approaches to both subjects tend to portray them in terms of mutually exclusive and relatively set characteristics. The data from this study would indicate that rather than representing specific types, mediation style as measured in this application appears to be a multi-faceted variable. The observable differences could be more a function of the immediate circumstances in the mediation at hand as opposed to being set characteristics that the mediator brings to the setting and consistently applies. In the same way the distinction between elicitive and directive or interest-based and facilitative may not capture either the potential effect of the high security environment in which the service is being delivered or the influence of the practitioners who carry out the intervention.

A number of observations have arisen from this study that expand the discussion about organizational justice and its application to other settings. Organizational justice constructs have been shown to apply in high security organizations and be adaptable to programs centered on an interest-based model. The comparison of mediation and ombudsman approaches to dispute resolution indicates a number of similarities, and although they would need to be tested in those settings the constructs may be readily applicable to ombudsman environments.

Organizational justice constructs can also be incorporated into program logic models particularly in identifying the procedural variables of disputant-mediator and disputant-disputant in the Comprehensive Model of Conflict Resolution as well as the outcome measures of Distributive, Procedural – Process, Procedural – Mediator, Informational, Interpersonal Disputant – Disputant, and Interpersonal Disputant – Mediator that have been applied in the Conflict Resolution Intervention Logic Model developed for this study.

The results of the interviews with participants from all three case study settings as well as the data collected in the three surveys administered in the conflict management program in DND/CF indicate that ADR as it is practiced in each setting has been evidently successful. Although this study was not designed as a comprehensive evaluation of the programs' implementation or their overall impact, the data that were produced provide substantial insight into both of those important subjects. The discussion and resulting questions that appear in this Chapter as well as in Chapters 10 and 11 also indicate there is much more to learn. Summative evaluation is a research approach that is uniquely equipped to provide the detailed qualitative and quantitative data that would be needed to address many of those questions. This study has provided insight into a number of the primary components of such an evaluation framework including a program logic model, identification of program inputs, preliminary description of critical activities and some of the corresponding outputs as well as the definition of program outcomes. Developing a framework and conducting the summative evaluation would provide substantial insight

into these questions and would in turn greatly assist the application of ADR in these and other potential high security settings.

The results of this study indicate that conflict resolution can be integrated into high security organizations and that organizational justice constructs can accurately describe and serve as the basis for measuring aspects of the intervention process as well as its related outcomes. This research approach and its associated methodology has the potential to serve as a model in a broader range of settings such as provincial and organizational ombudsman offices, police and fire departments, emergency health organizations and coast guard operations.

Conclusion

This study examined and led to a number of observations about introducing and practicing conflict resolution in high-security settings. The report described how each organization formed and how the process influenced its purpose and function. It examined how the environmental context affected both design and ongoing operations, and how the organization in turn affected its surrounding environment. The DND/CF conflict management program provided insight into a specific application of ADR in a high security setting. The study concluded by considering the implications for the DND/CF conflict management program, the Office of the Correctional Investigator and the Office of the Veterans Ombudsman as well as the potential application of conflict resolution in other high-security and related environments.

This report offers the opportunity to apply those observations to further research, management and practice. The opportunity depends greatly on leaders understanding how conflict resolution works, and appreciating that it is entirely consistent with and supports sound leadership. Without that understanding it will continue to be perceived either as a threat or as an unnecessary intrusion into their realm of authority. This study has explored the application of conflict resolution in these settings in the hope that its potential to enhance organizational justice and operational capacity will be fully realized.

Epilogue:
**Personal Account of Experience Conducting Research in High Security
Organizations**

This account will describe the last six years of my experience developing research interests securing approval and conducting research in HSO. It offers another line of evidence in the form of an overview of the major events that occurred offering a level of insight into the challenges and complexities of working as a researcher in this area.

My first interest in this area flowed out of my experience as a Senior Investigator with the DND/CF Ombudsman office. I was able to observe from that vantage point the process of starting up and developing a conflict resolution office in an organizational setting that had no previous experience with the concept of ombudsman. Despite the initial resistance and significant levels of apprehension concerning its potential impact, over time the office and its services were gradually accepted, the resistance faded and was replaced by a significant degree of cooperation and support from serving members.

Based on that experience I became interested in studying the process of introducing ombudsman services in HSOs and in March 2008 submitted a proposal and a request for ethical approval to conduct human research in that area. The University of Victoria Human Research Ethics Board approved my application in May 2008 and I began to secure the cooperation of the DND/CF Ombudsman office in conducting the research. All research conducted in conjunction with DND/CF has to be vetted and approved by the Social Sciences Research Review Board (SSRRB). Both the previous and the current Ombudsman agreed to support the research and I began conducting the literature review, preparing the instruments and the application to the SSRRB.

A new ombudsman took office early in 2009 and later that year I asked for his support in conducting the research and sponsoring the SSRRB application. My request for support was refused in November 2009. Finding myself unable to proceed with the research on the ombudsman office, I refocused my interest in the application of ADR. I developed a

proposal to study the introduction of ADR into DND/CF and secured the support of the DGADR who was responsible for that program. I then submitted a tentative proposal in mid-2010 to the Director General Health Services and the Manager of the Operational Stress Injury Social Support (OSISS) network.

The feedback from those sources provided support for the concept but suggested I redefine the research to develop baseline data on the impact of ADR across the DND/CF. DGADR agreed to sponsor the revised research model in the fall of 2010. I prepared a request for modification to my University of Victoria Ethics Board approval and began work on developing in conjunction with DGADR the survey instruments and data collection protocols. My request for modification of the Ethical approval was refused. In March 2011, I submitted a new request, based on the redefined research model, for ethical approval to University of Victoria and an application to conduct the research to the DND/CF SSRRB.

Over the period of March, April and early May the SSRRB reviewed the application and through the appointed Analyst indicated a number of concerns and challenges associated with the proposal. I communicated regularly with the Analyst, members of my dissertation committee at University of Victoria and DGADR providing clarification, specifying the nature of and addressing the noted concerns and adjusting the research protocol and intended procedures. The SSRRB noted the research proposal was long, complex, and substantially different from most other research undertaken in the department. At the Board's request, I made substantive modifications to the initial application transforming it into two separate applications, one covering the quantitative aspects of the study and the second dealing with the qualitative.

The board reviewed the changes and reconsidered the application. The Analyst provided notification in mid-May that the application failed to secure approval and that unless the remaining concerns were adequately addressed the application would be rejected with no avenue of appeal. The Analyst suggested and I agreed that a meeting with one of the Defence Research Scientists from the board hearing the application would be helpful in

clarifying and addressing the concerns. We conducted the meeting by telephone and after discussing the proposals and related concerns, primarily regarding access to historical records and the protection of privacy and confidentiality we agreed on a series of modifications. I received notice of the SSRRB approval on June 9, 2011.

The incumbent DGADR retired at the end of June. I travelled to Ottawa in July to meet with the new acting DGADR and the coordinators to plan the research procedures, establish the schedule, assign areas of responsibility, finalize the translations of all the survey and interview documents into French and install all the documents on the DGADR shared computer server.

Potential respondents were invited to participate in the interviews and an interview schedule prepared for September. I travelled back to Ottawa in September to complete the document handling procedures and final preparations for the start up. We held a teleconference with the mediation practitioners in all the DRC locations across the country to introduce and explain the study and the research protocols answer questions and address existing concerns. I completed the interviews in the OVO and OCI offices and most of the DGADR interviews in person and over the telephone.

During the months of October and November I responded to a substantial number of telephone calls and e-mail messages from mediation practitioners and DRC Coordinators inquiring about aspects of the procedures. In the course of that communication, I became acutely aware of the level of concern about confidentiality that some practitioners expressed. I raised those concerns with the DGADR coordinators and eventually a letter was prepared and sent to all mediation practitioners. The letter explained the approved document handling procedures and clearly ensured all parties that completed surveys were mailed to me as the researcher, and that no other parties including managers and supervisors had access to them.

We continued to receive completed surveys over this period and by the end of December, it was clear that the response rate was not as high as anticipated. I prepared a summary of

the aggregate data that and early in February 2012 presented the update in a national teleconference with all the DRCs. We discussed possible reasons for the lower than expected response including observations about the DGADR program review underway within DND/CF. There was a great deal of concern expressed regarding the potential for a significant reduction in the number of staff members, a reorganization of the service delivery model, closure of some DRCs and the future viability of the program. Those concerns were exerting a significant effect on morale among mediation practitioners and DGADR staff members. We agreed to take remedial steps to ensure all practitioners were fully aware of the procedures and had access to the materials they needed to complete the surveys and to provide them to the parties to mediation.

We reconvened in March and since the response rate had not changed significantly decided to seek approval to conduct a follow up request encouraging respondents to complete the surveys. I submitted a request for a modification to the University of Victoria Human Research Ethics Board received approval in April. The formal request to conduct the follow up protocol combined with the revised ethics approval was submitted to the DGADR management committee. I received notice the acting DGADR refused to approve any follow up activities.

Although I continued communication with mediation practitioners and coordinators, it was not sufficient to increase the response rate. In May 2012 I proposed putting the surveys in electronic format on line to simplify the document handling procedures, eliminate any residual concerns regarding confidentiality, provide respondents with wider access to the documents and reduce the turn-around time. The proposal was accepted and I built all three surveys, the information letters, and the consent forms in both official languages into the Fluid Surveys commercial database. The service provided respondents with secure confidential access to the surveys, and was not shared with any other database either inside or outside of Canada. It was approved for use by the information management and security services within DND/CF. The DGADR information management coordinator secured DND/CF approval for the web site, it was tested in all

DRCs across the country, firewall blocks and technical problems were identified and resolved and the surveys were made available at the end of June 2012.

I continued over the months of July and August to monitor the progress of survey response. Despite an initial spike in returned survey responses by September, return rates with either mail or electronic surveys dropped significantly. Repercussions from the announced loss of 34 positions, budget reduction of \$1.4 million and reorganization from 13 to 4 DRCs across the country that was to take effect over the next two years was readily observable and morale among staff members appeared to suffer. It became increasingly difficult to contact some DGADR staff members and other members were leaving their positions as the personnel changes took effect. The situation showed no signs of improving in the near future. After consulting in September with members of my dissertation committee and the DGADR, coordinator we decided not to seek an extension to the data collection period. I notified all DGADR staff members on September 28 that data collection on the study would cease as scheduled on October 1, 2012.

During the three phases of concept design, application, and program management and delivery, I received excellent support and cooperation from many different sources. It was clear from the beginning that most people understood the research objectives, agreed with its value, and supported the methodology.

I had the benefit of working closely with the Director General of ADR and the staff member tasked with providing liaison to the project refining the concept and adapting the instruments to fit the environmental context. The application process from the researcher's perspective was demanding and sometimes difficult to understand and meet the SSRRB criteria. However, there was a consistent exchange of valuable information that in the end provided the basis to make the required adjustments allowing the project to proceed. Once approval had been secured the DGADR staff members who assisted with refining and testing the instruments, developing the procedures and protocols and communicating with practitioners across the country generously offered their time, expertise and the resources needed to make it happen. I had the benefit of many

conversations with DGADR managers, coordinators, and practitioners who freely shared their point of view, and offered numerous helpful suggestions along the way. The DGADR, OVO, and OCI interview respondents spoke openly and candidly about their observations and experience and provided invaluable insight into their respective operating areas.

In the end, despite not being able to execute the full range of the methodological plan, the study generated a diverse body of data that provided some unique insights into the application of conflict resolution in high security organizations.

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Appendix A: Mediator Style Survey

- Letter of Information – Mediator Background/Style Survey
- Consent Form: Mediator Background/Style Survey
- Mediator Background/Style Survey
- Lettre d'information – Enquête sur le style des médiateurs
- Formulaire de consentement: Sondage sur le style des médiateurs
- Antécédents Du Médiateur/Enquête Sur Le Style

Letter of Information – Mediator Background/Style Survey Settling Differences: New Approaches to Conflict Resolution in High Security Organizations

Purpose and Objectives

You are invited to participate in a study entitled Settling Differences: New Approaches to Resolving Conflict in High-security Organizations that is being conducted by Norman Dolan. I am a PhD student in the School of Public Administration at the University of Victoria, and the principal investigator for this study. You may contact me if you have further questions by telephone at (250) 477-8506 or by email at njdolan@uvic.ca

As a PhD student, I am required to conduct research as part of the requirements for a Doctor of Philosophy degree in Public Administration. This research will be used for my dissertation, proceeding under the supervision of Dr. Evert Lindquist. You may contact him by telephone at (250) 721-8084, or by email at evert@uvic.ca. This research has been sponsored by the Director General, Alternate Dispute Resolution (DGADR) and has received Social Sciences Research Review Board (SSRRB) Coordination # 990/11-F.

This study will focus on the conflict resolution systems employed by the Conflict Management Program within the Department of National Defence and the Canadian Forces.

Importance of this Research

This survey examines your preferred style along the evaluative - facilitative continuum of approaches to the practice of mediation. The information regarding preferred mediation style will form a part of the overall research plan that will examine participants' satisfaction and the extent to which organizational justice is served by the provision of mediation services in the resolution of work place based conflict.

The information that you provide will make an important contribution to the following outcomes. First, it will provide current information that will assist the Director General Alternate Dispute Resolution in DND/CF with managing service quality, allocating resources and conducting strategic program review. Secondly, it will help to describe how different programs might work in different types of organizations, and provide ways of evaluating their effectiveness in resolving conflict. Thirdly, it will examine how new programs can be incorporated into organizations with strong cultures and deeply embedded behavioural repertoires, and identify strategies for increasing chances of success. Finally this research will contribute to the general body of knowledge in the fields of organizational development and conflict resolution.

Participants Selection

Your participation in this research is entirely voluntary. You are under no obligation to participate based either on professional affiliation or prior association with the researcher. You are being asked to participate in this study because you have knowledge and

experience related to conflict resolution in either civil or military settings. Your knowledge and experience are critical to the scope and depth of this research project and the report that will be produced.

What is involved

If you agree to voluntarily participate in this research, your participation will involve completing a survey that will take approximately 5 minutes to complete and will ask general questions about how you approach and conduct mediations.

Your completed questionnaire will be taken as an indication of your consent. However, as your participation is completely voluntary, you may decline to answer any of the questions.

Risks

You will be asked to answer questions that relate only to your personal experience and opinions on conflict resolution. Questions will be limited to the subject of this research and will not be outside the scope of your experience. Therefore, it is unlikely that there will be risks involved in your participation.

Benefits

Participating in this research will help to improve our general knowledge of conflict resolution, as well as its particular application to the mediation service within the CM Program. Specifically, it will help us understand more about how mediators approach the provision of mediation services, and what effect different approaches may have on the outcomes. Your contributions will be included in the final report that will offer recommendations on how the conflict management program could be designed and managed. The project's findings and report will add to the general body of knowledge that is available to researchers and practitioners in the field of conflict management.

Voluntary Participation

Your participation in this research must be completely voluntary. If you decide to participate, you may withdraw at any time with no consequences or explanation. You are free to withdraw any information you have shared at any time without consequence, and this information would be destroyed and not used for the duration of the study.

Privacy and Confidentiality

Every effort, including the use of code numbers to identify the results obtained from individuals, will be made to protect the privacy and confidentiality of each person who participates in this survey. However, there are limits to both privacy and confidentiality. Because I will receive and analyze the completed surveys your identity may become known to me. The information you provide on the surveys will remain confidential and

you will not be identified by either name or organization. Only the aggregate results of the analysis will be reported. The data that is collected will be kept in locked filing cabinet(s) and password protected computer files located in my office in Victoria.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways:

1. Summary reports of aggregated data will be provided to DGADR the research sponsor;
2. Become part of the data used in the completion of the researcher's PhD dissertation; and
3. Form part of the data that may be used in published reports in academic and professional journals.

Disposal of Data

The research project concludes with the submission of the report to the SSRRB and its acceptance by the School of Public Administration and the University of Victoria. Upon completion of the research project data from this study will be securely maintained for a period of three calendar years after which it will be destroyed.

Contacts

Individuals that may be contacted regarding this study include:

Norman Dolan
Principal Researcher
Phone: (250) 477-8506
Email: njdolan@uvic.ca.

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250) 472-4545 or ethics@uvic.ca.

Consent Form: Mediator Background/Style Survey
Settling Differences: New Approaches to Conflict Resolution in High Security Organizations

Principal Researcher: Norman Dolan
(250) 477-8506
njdolan@uvic.ca

SSRRB Coordination # 990/11-F

I have read the letter of information and have had all of my questions answered to my satisfaction.

I am willing to participate in this study and I am aware that participation consists of completing a survey that contains questions regarding my preferred mediation style. The survey will take approximately 5 minutes to complete. I agree to have this questionnaire documented to be included in the final report. I understand that no personal identifying information will be included in the report.

I am aware that under the Access to Information Act, Canadian citizens are entitled to obtain copies of research reports and research data (including the database pertaining to this project) held in Federal government files. Similarly, under the Privacy Act, Canadian citizens are entitled to copies of all information concerning them that is held in Federal government files including research databases. Prior to releasing requested information, the Directorate of Access to Information and Privacy (DAIP) screens the data to ensure that individual identities are not disclosed.

I understand that my participation is voluntary and that I am free to withdraw at any time. There are no known psychological, physical, economic or social risks to participation.

I have been assured by the researchers that they will keep my responses confidential and will protect my anonymity in any reports or publications.

Name: Date (dd/mm/yy):

Signature: _____

Research Questionnaire N^o.
Date Completed (dd/mm/yy)

Mediator N^o.

Demographic Questions – Mediation Background/Style Survey

1. Please indicate your rank or civilian classification:
Reg Force Rank Reserve Force Rank
Civilian Classification
2. If you are a member of the Reg or Reserve Forces please indicate your element:
Navy Army Air Force
3. Please indicate your Age group:
20 -30 31- 49 50 – 59 60 – 70
4. Please indicate your gender:
Male Female
5. How many times have you served as a mediator during the last five years?
6. Please list the type(s) of disputes mediated.
7. Have you received any training in mediation?
YES NO
8. **If you answered YES to Question #7 directly above:**
 - a. Who provided the training? Place the approximate **date(s)** of this training next to the name of the provider.
 - b. Briefly describe the training.
9. How many cases in total have you mediated in the Conflict Management Program?
10. In the CM Program cases that you mediated please identify:
 - a. How many of these resulted in a resolution? -
 - b. How many did not result in a resolution? -

MEDIATOR BACKGROUND/STYLE SURVEY

I am an independent researcher who is currently completing the requirements for the degree of PhD in Public Administration with the University of Victoria. Your assistance in completing this survey will allow me to fully analyze the Conflict Management Program (CM Program) within the Department of National Defence and the Canadian Forces. While the CM Program may already have some of the information that I seek, I ask that you help me by fully answering the questions below. Please return the survey to DGADR either electronically or in the enclosed envelope.

Your preferred mediation style (Please indicate the appropriate number from 1 – 5 that best represents the extent to which you agree or disagree with each statement):

	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
1. I encourage the parties to focus on resolving the specific, presenting problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. I prefer to look beyond the presenting issues in defining the problem to be resolved.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The focus of the mediation session is on issues that are relevant to the presenting problem.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The interests of the parties are more important to me than settling the case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. I view the mediation as an opportunity to help the parties understand each other's perception of the dispute.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. My role is to help parties reach settlement on the presenting issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Generally, parties understand their situations better than mediators.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. I provide parties with direction as to the appropriate grounds for settlement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. My principal strategy is to help parties understand the strengths and weaknesses of their positions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Developing options for settlement is the responsibility of the parties, not the mediator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Regarding the mediator style questions set forth immediately above at #1 - 10, I believe that if I completed this survey on another date the answers concerning my style would be similar to those today.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Are there any situational factors that you believe would result in you providing different answers to questions #1 - 11 above? Yes No

IF YES, please list below all other situational factors in a mediation that you believe affect your mediator style: **Thank You!**

Lettre d'information – Enquête sur le style des médiateurs Régler les différends : nouvelles démarches pour résoudre les conflits dans les organisations de haute sécurité

But et objectifs

Vous êtes invité à participer à une enquête intitulée Régler les différends : nouvelles démarches employées dans les organisations de haute sécurité pour résoudre les conflits, menée par Norman Dolan. Je suis étudiant au doctorat à l'école d'administration publique de l'Université de Victoria et l'enquêteur principal de l'étude. Si vous avez besoin de plus amples renseignements, vous pouvez communiquer avec moi par téléphone au 250-477-8506 ou par courriel à l'adresse njdolan@uvic.ca.

En ma qualité d'étudiant au doctorat et afin d'obtenir mon doctorat en philosophie dans le domaine de l'administration publique, je dois effectuer une recherche. Je me servirai de cette recherche pour rédiger ma thèse de doctorat qui sera supervisée par Evert Lindquist, Ph.D. Vous pouvez communiquer avec ce dernier par téléphone au 250-721-8084 ou par courriel à l'adresse evert@uvic.ca. La recherche est parrainée par le Directeur-général – Modes alternatifs de résolution de conflits (DGMARC) et a reçu l'approbation du Comité d'examen de la recherche en sciences sociales (CERSS) sous le numéro #990/11-F.

La présente enquête sera axée sur les systèmes de résolution de conflits employés dans le cadre du Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC).

Importance de la recherche

La présente enquête porte sur votre style préféré parmi l'éventail complet de démarches utilisées à des fins d'évaluation et de facilitation dans des situations de médiation. L'information relative au style de médiation préféré constituera une partie du plan général de recherche qui vise à étudier le degré de satisfaction des participants et la mesure dans laquelle la justice organisationnelle est desservie par les services de médiation offerts en vue de résoudre des conflits en milieu de travail.

L'information que vous fournirez contribuera grandement à atteindre les résultats suivants. D'abord, cette information récente permettra au Directeur-général – Modes alternatifs de résolution de conflits du MDN et des FC de gérer la qualité du service, d'attribuer des ressources et de procéder à un examen stratégique du programme. Deuxièmement, les données obtenues aideront à décrire les usages possibles des différents programmes selon divers types d'organisations et à proposer des méthodes pour évaluer leur efficacité en ce qui a trait à la résolution de conflits. Troisièmement, on étudiera les façons d'intégrer de nouveaux programmes dans des organisations aux cultures bien ancrées et où les répertoires des comportements sont bien enchâssés, et on repérera des stratégies de manière à accroître les chances de réussite. Enfin, la présente recherche contribuera à l'ensemble des connaissances générales dans les domaines du développement organisationnel et de la résolution de conflits.

Sélection des participants

Votre participation à la recherche est entièrement volontaire. Vous n'avez aucune obligation de participer en raison d'une affiliation professionnelle ou d'une association passée avec le chercheur. Vous êtes invité à participer à la présente enquête parce que vous possédez des connaissances et de l'expérience en matière de résolution de conflits, dans le secteur civil ou militaire. Vos connaissances et votre expérience sont essentielles compte tenu de la portée et de l'exhaustivité du projet de recherche et du rapport qui en découlera.

Ce qu'on attend de vous

Si vous acceptez de participer volontairement à la présente recherche, il vous faudra allouer environ cinq minutes pour répondre à des questions générales sur vos démarches et vos procédures en matière de médiation.

Le questionnaire rempli indiquera votre consentement. Toutefois, puisque votre participation est entièrement volontaire, vous pouvez refuser de répondre à n'importe quelle question.

Risques

On vous demandera de répondre à des questions qui ne concernent que votre expérience personnelle et vos opinions en matière de résolution de conflits. Les questions seront limitées au sujet de la recherche et leur portée ne dépassera pas le cadre de votre expérience. Par conséquent, il est peu probable que votre participation entraîne des risques.

Avantages

En participant à la présente recherche, vous nous aiderez à améliorer nos connaissances générales sur la résolution de conflits, ainsi que sur son application en ce qui a trait au service de médiation dans le cadre du PGC. Plus particulièrement, cela nous aidera à mieux comprendre les démarches des médiateurs lorsqu'ils fournissent des services de médiation et l'incidence des différentes démarches sur les résultats. Nous tiendrons compte de vos commentaires dans le rapport final, lequel comprendra des recommandations en matière de conception et de gestion du programme de gestion des conflits. Les conclusions de la recherche et le rapport s'ajouteront au bloc de connaissances générales dont disposent les chercheurs et les spécialistes dans le domaine de la gestion de conflits.

Participation volontaire

Votre participation à la présente recherche doit être entièrement volontaire. Si vous acceptez de participer, vous pouvez décider de vous retirer à tout moment sans aucune conséquence ni explication. Vous avez la liberté de retirer toute information que vous

auriez communiquée, en tout temps et sans aucune conséquence, et ladite information sera détruite sans être utilisée durant l'enquête.

Respect de la vie privée et confidentialité

Tous les efforts seront déployés, y compris l'utilisation de numéros de code afin d'associer les données obtenues de chaque personne, afin de protéger la vie privée et la confidentialité de chaque personne qui participera à l'enquête. Il importe toutefois de préciser que des limites entravent le respect de la vie privée et la confidentialité. Puisque je recevrai les formulaires une fois remplis et que je les analyserai, il se pourrait que je reconnaisse le répondant. Les renseignements que vous noterez sur votre formulaire demeureront confidentiels et on ne vous désignera ni par votre nom ni par l'organisation. On ne fera état que de résultats d'ensemble. Les données recueillies seront gardées dans un ou des classeurs verrouillés et les fichiers informatiques seront sauvegardés dans mon bureau de Victoria et protégés par un mot de passe.

Diffusion des résultats

On s'attend à ce que les résultats de la présente enquête soient communiqués de différentes façons :

1. dans des rapports sommaires sur les données d'ensemble qui seront remis au DGMARC, le parrain de la recherche;
2. parmi les données utilisées pour rédiger la thèse de doctorat du chercheur;
3. parmi les données qui pourraient servir à rédiger des rapports devant paraître dans des publications scientifiques et spécialisées.

Élimination des données

Le projet de recherche s'achèvera avec la remise du rapport au CERSS et son acceptation par l'école d'administration publique et l'Université de Victoria. Une fois le projet de recherche achevé, les données recueillies dans le cadre de la présente enquête seront conservées en lieu sûr pendant trois années civiles et elles seront ensuite détruites.

Personnes-ressources

Personne avec qui communiquer relativement à la présente enquête :

Norman Dolan
Chercheur principal
Numéro de téléphone : 250-477-8506
Courriel : njdolan@uvic.ca.

De plus, vous pouvez vérifier si la présente enquête a fait l'objet d'une approbation sur le plan de l'éthique, ou formuler toute préoccupation en communiquant avec le Human Research Ethics Office de l'Université de Victoria au 250-472-4545 ou à l'adresse ethics@uvic.ca.

**Formulaire de consentement : Sondage sur le style des médiateurs
Régler les différends : nouvelles démarches pour résoudre les conflits
dans les organisations de haute sécurité**

Chercheur principal : Norman Dolan
250-477-8506
njdolan@uvic.ca

Numéro de l'approbation du Comité d'examen de la recherche en sciences sociales (CERSS) : #990/11-F.

J'ai lu la lettre d'information et j'y ai trouvé toutes les réponses à mon entière satisfaction.

Je désire participer à la présente enquête et je suis au fait que la participation consiste à répondre à des questions relatives à mon style de médiation préféré, ce qui prendra environ cinq minutes. J'accepte que mes réponses soient prises en compte dans le rapport final. Je comprends qu'aucun renseignement personnel permettant mon identification ne sera versé dans le rapport.

Je suis conscient qu'en vertu de la *Loi sur l'accès à l'information*, les citoyens canadiens ont le droit d'obtenir des exemplaires des rapports de recherche et des données expérimentales (y compris la base de données rattachée au présent projet) conservés dans les dossiers du gouvernement fédéral. Par ailleurs, en vertu de la *Loi sur la protection des renseignements personnels*, les citoyens canadiens ont le droit d'obtenir une copie de tous les renseignements les concernant qui sont conservés dans les dossiers du gouvernement fédéral, y compris les bases de données aux fins des recherches. Avant de divulguer l'information demandée, le personnel de la Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP) examine les données afin de s'assurer que l'identité des personnes n'est pas divulguée.

Je comprends que ma participation est volontaire et que j'ai la liberté de me retirer à tout moment. La participation n'entraîne aucun risque psychologique, physique, économique ou social connu.

Les chercheurs m'ont assuré que mes réponses allaient demeurer confidentielles et qu'ils protégeraient mon anonymat dans tout rapport et toute publication.

Nom : _____ Date (jj/mm/aa) : _____

Signature : _____

N° du questionnaire de recherche :

N° du médiateur :

ANTÉCÉDENTS DU MÉDIATEUR/ENQUÊTE SUR LE STYLE

Je suis un chercheur indépendant qui œuvre en vue de satisfaire à toutes les exigences liées à l'obtention d'un doctorat en philosophie dans le domaine de l'administration publique de l'Université de Victoria. Vos réponses aux questions de l'enquête me permettront d'analyser en profondeur le Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC). Bien que certains des renseignements dont j'ai besoin soient déjà accessibles par l'entremise du PGC, je vous prie de m'aider en répondant à toutes les questions ci-dessous. Veuillez me retourner le formulaire de l'enquête dans l'enveloppe ci-jointe.

Votre style de médiation préféré (Veuillez choisir la réponse, qui décrit le mieux votre accord ou désaccord devant chacun des énoncés) :

	Pas du tout d'accord	En désaccord	Plus ou moins d'accord	En accord	Tout à fait d'accord
1. J'encourage les parties à se concentrer sur la résolution des problèmes à l'étude.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Je préfère aller au-delà des questions en litige lorsque je définis le problème à résoudre.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. La séance de médiation est axée sur des questions qui sont pertinentes au problème à l'étude.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Les intérêts des parties sont plus importants pour moi que le règlement de la question en litige.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Selon moi, la médiation est l'occasion d'aider les parties à comprendre la perception qu'a l'autre partie du litige.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Mon rôle consiste à aider les parties à comprendre les questions en litige et à conclure une entente.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Habituellement, les parties comprennent mieux leur situation que les médiateurs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Je guide les parties en vue de trouver un terrain d'entente approprié.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Ma principale stratégie consiste à aider les parties à comprendre les forces et les faiblesses de leur situation respective.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Il incombe aux parties d'élaborer des solutions en vue d'une entente, pas au médiateur.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. En ce qui a trait aux questions sur le style du médiateur figurant ci-dessus aux numéros de 1 à 10, je crois que si j'avais répondu au questionnaire à une autre date, les réponses relatives à mon style auraient été semblables à celles données aujourd'hui.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Existe-t-il des facteurs conjoncturels (propres à chaque situation) qui pourraient vous inciter à répondre différemment aux questions de 1 à 11 ci-dessus? Oui Non

SI OUI, veuillez dresser la liste de tous les autres facteurs conjoncturels susceptibles d'influer sur votre style de médiation au verso du présent formulaire.

Merci!

Appendix B: Mediator Assessment Survey

- Letter of Information – Mediator Assessment Survey
- Consent Form: Mediator Assessment Survey
- Mediator Assessment Survey
- Lettre d'information – Enquête sur l'évaluation par le médiateur
- Formulaire de consentement: Sondage sur l'évaluation par le médiateur
- Sondage sur l'évaluation par le médiateur

Letter of Information – Mediator Assessment Survey Settling Differences: New Approaches to Conflict Resolution in High Security Organizations

Purpose and Objectives

You are invited to participate in a study entitled Settling Differences: New Approaches to Resolving Conflict in High-security Organizations that is being conducted by Norman Dolan. I am a PhD student in the School of Public Administration at the University of Victoria, and the principal investigator for this study. You may contact me if you have further questions by telephone at (250) 477-8506 or by email at njdolan@uvic.ca

As a PhD student, I am required to conduct research as part of the requirements for a Doctor of Philosophy degree in Public Administration. This research will be used for my dissertation, proceeding under the supervision of Dr. Evert Lindquist. You may contact him by telephone at (250) 721-8084, or by email at evert@uvic.ca. This research has been sponsored by the Director General, Alternate Dispute Resolution (DGADR) and has received Social Sciences Research Review Board (SSRRB) Coordination # 990/11-F.

This study will focus on the conflict resolution systems employed by the Conflict Management Program within the Department of National Defence and the Canadian Forces.

Importance of this Research

This survey will inquire about your assessment of behaviours exhibited by the parties to mediation that contributed to a successful resolution. It will also ask you to assess your interventions during mediation that contributed to its resolution, and to indicate your suggestions for improvements to the overall mediation program.

The information that you provide will make an important contribution to the following outcomes. First, it will provide current information that will assist the Director General Alternate Dispute Resolution in DND/CF with managing service quality, allocating resources and conducting strategic program review. Secondly, it will help to describe how different programs might work in different types of organizations, and provide ways of evaluating their effectiveness in resolving conflict. Thirdly, it will examine how new programs can be incorporated into organizations with strong cultures and deeply embedded behavioural repertoires, and identify strategies for increasing chances of success. Finally this research will contribute to the general body of knowledge in the fields of organizational development and conflict resolution.

Participants Selection

Your participation in this research is entirely voluntary. You are under no obligation to participate based either on professional affiliation or prior association with the researcher. You are being asked to participate in this study because you have knowledge and experience related to conflict resolution in either civil or military settings. Your

knowledge and experience are critical to the scope and depth of this research project and the report that will be produced.

What is involved

If you agree to voluntarily participate in this research, your participation will involve completing a survey that will take approximately 20 minutes to complete and will ask questions about your assessment of your own behavior during a specific mediation as well as that exhibited by the parties to that mediation. In addition, the survey will ask for your suggestions for improvements to the mediation process.

Your completed questionnaire will be taken as an indication of your consent. However, as your participation is completely voluntary, you may decline to answer any of the questions.

Risks

You will be asked to answer questions that relate only to your personal experience and opinions on conflict resolution. Questions will be limited to the subject of this research and will not be outside the scope of your experience. Therefore, it is unlikely that there will be risks involved in your participation.

Benefits

Participating in this research will help to improve our general knowledge of conflict resolution, as well as its particular application to the mediation service within the CM Program. Specifically, it will help us understand what behaviours affect the outcome of mediation, and will provide you with the opportunity to make suggestions on how to improve the CM Program

The final report will offer recommendations on how the conflict management program could be designed and managed. The project's findings and report will add to the general body of knowledge that is available to researchers and practitioners in the field of conflict management.

Voluntary Participation

Your participation in this research must be completely voluntary. If you decide to participate, you may withdraw at any time with no consequences or explanation. You are free to withdraw any information you have shared at any time without consequence, and this information would be destroyed and not used for the duration of the study.

Privacy and Confidentiality

Every effort, including the use of code numbers to identify the results obtained from individuals, will be made to protect the privacy and confidentiality of each person who

participates in this survey. However, there are limits to both privacy and confidentiality. Because I will receive and analyze the completed surveys your identity may become known to me. The information you provide on the surveys will remain confidential and you will not be identified by either by name or organization. Only the aggregate results of the analysis will be reported. The data that is collected will be kept in locked filing cabinet(s) and password protected computer files located in my office in Victoria.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways:

4. Summary reports of aggregated data will be provided to DGADR the research sponsor;
5. Become part of the data used in the completion of the researcher's PhD dissertation; and
6. Form part of the data that may be used in published reports in academic and professional journals.

Disposal of Data

The research project concludes with the submission of the report to the SSRRB and its acceptance by the School of Public Administration and the University of Victoria. Upon completion of the research project data from this study will be securely maintained for a period of three calendar years after which it will be destroyed.

Contacts

Individuals that may be contacted regarding this study include:

Norman Dolan
Principal Researcher
Phone: (250) 477-8506
Email: njdolan@uvic.ca.

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250) 472-4545 or ethics@uvic.ca.

Consent Form: Mediator Assessment Survey
Settling Differences: New Approaches to Conflict Resolution in High
Security Organizations

Principal Researcher: Norman Dolan
(250) 477-8506
njdolan@uvic.ca

SSRRB Coordination # 990/11-F

I have read the letter of information and have had all of my questions answered to my satisfaction.

I am willing to participate in this study and I am aware that participation consists of completing a survey that contains questions regarding my assessment of behaviours exhibited during mediation and suggestions I may have to improve mediation services. The survey will take approximately 20 minutes to complete. I agree to have this questionnaire documented to be included in the final report. I understand that no personal identifying information will be included in the report.

I am aware that under the Access to Information Act, Canadian citizens are entitled to obtain copies of research reports and research data (including the database pertaining to this project) held in Federal government files. Similarly, under the Privacy Act, Canadian citizens are entitled to copies of all information concerning them that is held in Federal government files including research databases. Prior to releasing requested information, the Directorate of Access to Information and Privacy (DAIP) screens the data to ensure that individual identities are not disclosed.

I understand that my participation is voluntary and that I am free to withdraw at any time. There are no known psychological, physical, economic or social risks to participation.

I have been assured by the researchers that they will keep my responses confidential and will protect my anonymity in any reports or publications.

Name: Date (dd/mm/yy):

Signature: _____

Research Questionnaire N^o.
Date Completed (dd/mm/yy)

Mediator N^o.

Mediator Assessment Survey

I am an independent researcher who is currently completing the requirements for the degree of PhD in Public Administration with the University of Victoria. Your assistance in completing this survey will allow me to fully analyze the Conflict Management Program (CM Program) within the Department of National Defence and the Canadian Forces. While the CM Program may already have some of the information that I seek, I ask that you help me by fully answering the questions below. Please return the survey to DGADR in the enclosed envelope.

Part I: Please provide the following information about the mediation.

Were there any <i>Third party participants</i> (supporters, lawyers, etc.) at the mediation session?	
For Party A:	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please identify the type(s) below)
	<input type="checkbox"/> Counsel
	<input type="checkbox"/> Advocate (e.g., union representative etc.)
	<input type="checkbox"/> Other Support person (friend, family member, etc.)
For Party B:	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please identify the type(s) below)
	<input type="checkbox"/> Counsel
	<input type="checkbox"/> Advocate (e.g., union representative etc.)
	<input type="checkbox"/> Other Supporter ((friend, family member, etc.)
Were minutes of settlement signed: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Part II

Opinions About the Parties, Processes, and Outcomes

Instructions: In this section, you are asked to reflect on the parties, processes, and outcomes of your mediation experience. If during the course of mediation you observed the behavior, using the tables below please select the response that most closely corresponds with the importance of that factor to the mediation outcome. If you did not observe that behavior, please leave it blank and move on to the next one.

Completely Unimportant	Unimportant	Neither Unimportant nor Important	Important	Completely Important
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For example, during mediation you observed that the parties showed “good listening skills,” which was “important” to the resolution of the dispute. You will indicate this by circling the number 4.

Factor	Circle Your Response
---------------	-----------------------------

	Completely Unimportant	Unimportant	Neither Unimportant nor Important	Important	Completely Important
Parties' good listening skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Select the appropriate response on the Importance Scale, please rate the **Party A Behaviors** in terms of their importance to the outcome of the dispute.

Party A Behaviors	Importance Scale				
	Completely Unimportant	Unimportant	Neither Unimportant nor Important	Important	Completely Important
Demonstrated Flexibility/Openness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintained Focus on Mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicated Need for closure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrated Empathy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to listen to mediator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to listen to respondent or their representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to collaborate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed commitment to resolution at this mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed remorse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed apology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrated respect to respondent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competently presented case/position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Demonstrated Creative Problem-solving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Factors: If there are factors not on this list, please identify them below and provide a numerical rank of their importance (1 to 5).					

3. Select the appropriate numerical response on the Importance Scale, please rate the **Party B Behaviors** in terms of their importance to the outcome of the dispute.

Party B Behaviors	Importance Scale				
	Completely Unimportant	Unimportant	Neither Unimportant nor Important	Important	Completely Important
Demonstrated flexibility/openness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintained focus on mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicated need for closure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrated empathy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to listen to mediator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to listen to complainant or their representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Willing to collaborate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed commitment to resolution at this mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed remorse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed apology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrated respect to respondent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Competently presented case/position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrated creative problem-solving	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Factors: If there are factors not on this list, please identify them below and provide a numerical rank of their importance (1 to 5).					

4. Select the appropriate numerical response on the Importance Scale please rate the **Mediator Behaviors** in terms of their importance to the outcome of the dispute.

Mediator Behaviors	Importance Scale				
	Completely Unimportant	Unimportant	Neither Unimportant nor Important	Important	Completely Important
Listened	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Used probing questions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helped parties see different vantage points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarified facts/areas of agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Defused negative emotions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilitated catharsis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encouraged openness, honesty, and direct communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kept parties focused	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encouraged resolution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gained trust/rapport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stepped back/ Let parties resolve the dispute	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluated the strengths and/or weaknesses of a claim or position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provided knowledge of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposed options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explored options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiated with one or more parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remained calm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expressed empathy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Persisted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remained neutral	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remained optimistic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrated creativity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Used caucuses effectively	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Avoided caucuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Used facilitative tactics or strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Used evaluative tactics or strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prepared parties well at the pre-mediation stage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Factors: If there are other behaviors/tactics that you used to resolve this dispute that are not on this list, please identify them below and provide a numerical rank of their importance (1 to 5).					

5. Based on what occurred during mediation, please rate, in terms of their importance those **Suggestions** that the CM Program could use to improve the mediation process.

Suggestions	Importance Scale				
	Completely Unimportant	Unimportant	Neither Unimportant nor Important	Important	Completely Important
Prior to mediation, ensure the suitability of the dispute for mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior to mediation, ensure both parties' willingness to compromise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prior to mediation, ensure that parties bring/send representatives with authority to settle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educate the parties to ensure their willingness to discuss ALL issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educate the parties to ensure their willingness to discuss ALL settlement options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have fewer support persons at mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclude non-legal support persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide case information to mediators earlier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide better caucus space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide better clerical help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensure better timing of mediation (e.g., start earlier, avoid Fridays, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide more training for mediators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilitate dialogue & interaction among mediators to strategize on tough cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide improved training on process related issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide training for repeat respondents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide parties with a checklist for the generation of options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide mediators with a checklist for the generation of options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide standardized settlement agreement text	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide more time for mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Suggestions: If there are suggestions not on this list, please identify them below and provide a numerical rank of their importance (1 to 5).					

Please place this completed form in the envelope provided, seal it and hand it

to the DGADR representative. Thank you for your participation. If you have any questions please contact me at 250 477-8506 or njdolan@uvic.ca.

Lettre d'information – Sondage sur l'évaluation par le médiateur Régler les différends : nouvelles démarches pour résoudre les conflits dans les organisations de haute sécurité

But et objectifs

Vous êtes invité à participer à une enquête intitulée Régler les différends : nouvelles démarches employées dans les organisations de haute sécurité pour résoudre les conflits, menée par Norman Dolan. Je suis étudiant au doctorat à l'école d'administration publique de l'Université de Victoria et l'enquêteur principal de la présente étude. Si vous avez besoin de plus amples renseignements, vous pouvez communiquer avec moi par téléphone au 250-477-8506 ou par courriel à l'adresse njdolan@uvic.ca.

En ma qualité d'étudiant au doctorat et afin d'obtenir mon doctorat en philosophie dans le domaine de l'administration publique, je dois effectuer une recherche. Je me servirai de cette recherche pour rédiger ma thèse de doctorat qui sera supervisée par Evert Lindquist, Ph.D. Vous pouvez communiquer avec ce dernier par téléphone au 250-721-8084 ou par courriel à l'adresse evert@uvic.ca. La recherche est parrainée par le Directeur-général – Modes alternatifs de résolution de conflits (DGMARC) et a reçu l'approbation du Comité d'examen de la recherche en sciences sociales (CERSS) sous le numéro 990/11-F.

La présente enquête sera axée sur les systèmes de résolution de conflits employés dans le cadre du Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC).

Importance de la recherche

La présente enquête portera sur votre évaluation des comportements des parties durant la médiation qui a mené à la conclusion d'un règlement. Vous serez également invité à évaluer vos interventions durant la médiation qui ont donné lieu au règlement, et à faire part de vos suggestions en vue d'améliorer le programme de médiation dans son ensemble.

L'information que vous fournirez contribuera grandement à atteindre les résultats suivants. D'abord, cette information récente permettra au Directeur-général – Modes alternatifs de résolution de conflits du MDN et des FC de gérer la qualité du service, d'attribuer des ressources et de procéder à un examen stratégique du programme. Deuxièmement, les données obtenues aideront à décrire les usages possibles des différents programmes selon divers types d'organisations et à proposer des méthodes pour évaluer leur efficacité en ce qui a trait à la résolution de conflits. Troisièmement, on étudiera les façons d'intégrer de nouveaux programmes dans des organisations aux cultures bien ancrées et où les répertoires des comportements sont bien enchâssés, et on repérera des stratégies de manière à accroître les chances de réussite. Enfin, la présente recherche contribuera à l'ensemble des connaissances générales dans les domaines du développement organisationnel et de la résolution de conflits.

Sélection des participants

Votre participation à la recherche est entièrement volontaire. Vous n'avez aucune obligation de participer en raison d'une affiliation professionnelle ou d'une association passée avec le chercheur. Vous êtes invité à participer à la présente enquête parce que vous possédez des connaissances et de l'expérience en matière de résolution de conflits, dans le secteur civil ou militaire. Vos connaissances et votre expérience sont essentielles compte tenu de la portée et de l'exhaustivité du projet de recherche et du rapport qui en découlera.

Ce qu'on attend de vous

Si vous acceptez de participer volontairement à la présente recherche, il vous faudra allouer environ 20 minutes pour répondre à des questions portant sur l'évaluation de votre propre comportement durant une médiation donnée, ainsi que sur le comportement des parties prenantes à la médiation. De plus, on vous demandera des suggestions en vue d'améliorer le processus de médiation.

Le questionnaire rempli indiquera votre consentement. Toutefois, puisque votre participation est entièrement volontaire, vous pouvez refuser de répondre à n'importe quelle question.

Risques

On vous demandera de répondre à des questions qui ne concernent que votre expérience personnelle et vos opinions en matière de résolution de conflits. Les questions seront limitées au sujet de la recherche et leur portée ne dépassera pas le cadre de votre expérience. Par conséquent, il est peu probable que votre participation entraîne des risques.

Avantages

En participant à la présente recherche, vous nous aiderez à améliorer nos connaissances générales sur la résolution de conflits, ainsi que sur son application en ce qui a trait au service de médiation dans le cadre du PGC. Plus particulièrement, cela nous aidera à mieux comprendre quels comportements influent sur le résultat des médiations, et vous aurez l'occasion de faire part de vos suggestions en vue d'améliorer le PGC.

Le rapport final comprendra des recommandations en matière de conception et de gestion du programme de gestion des conflits. Les conclusions de la recherche et le rapport s'ajouteront au bloc de connaissances générales dont disposent les chercheurs et les spécialistes dans le domaine de la gestion de conflits.

Participation volontaire

Votre participation à la présente recherche doit être entièrement volontaire. Si vous acceptez de participer, vous pouvez décider de vous retirer à tout moment sans aucune conséquence ni explication. Vous avez la liberté de retirer toute information que vous auriez communiquée, en tout temps et sans aucune conséquence, et ladite information sera détruite sans être utilisée durant l'enquête.

Respect de la vie privée et confidentialité

Tous les efforts seront déployés, y compris l'utilisation de numéros de code afin d'associer les données obtenues de chaque personne, afin de protéger la vie privée et la confidentialité de chaque personne qui participera à l'enquête. Il importe toutefois de préciser que des limites entravent le respect de la vie privée et la confidentialité. Puisque je recevrai les formulaires une fois remplis et que je les analyserai, il se pourrait que je reconnaisse le répondant. Les renseignements que vous noterez sur votre formulaire demeureront confidentiels et on ne vous désignera ni par votre nom ni par l'organisation. On ne fera état que de résultats d'ensemble. Les données recueillies seront gardées dans un ou des classeurs verrouillés et les fichiers informatiques seront sauvegardés dans mon bureau de Victoria et protégés par un mot de passe.

Diffusion des résultats

On s'attend à ce que les résultats de la présente enquête soient communiqués de différentes façons :

1. dans des rapports sommaires sur les données d'ensemble qui seront remis au DGMARC, le parrain de la recherche;
2. parmi les données utilisées pour rédiger la thèse de doctorat du chercheur;
3. parmi les données qui pourraient servir à rédiger des rapports devant paraître dans des publications scientifiques et spécialisées.

Élimination des données

Le projet de recherche s'achèvera avec la remise du rapport au CERSS et son acceptation par l'école d'administration publique et l'Université de Victoria. Une fois le projet de recherche achevé, les données recueillies dans le cadre de la présente enquête seront conservées en lieu sûr pendant trois années civiles et elles seront ensuite détruites.

Personnes-ressources

Personnes avec qui communiquer relativement à la présente enquête :

Norman Dolan
Chercheur principal
Numéro de téléphone : 250-477-8506
Courriel : njdolan@uvic.ca.

De plus, vous pouvez vérifier si la présente enquête a fait l'objet d'une approbation sur le plan de l'éthique, ou formuler toute préoccupation en communiquant avec le Human Research Ethics Office de l'Université de Victoria au 250-472-4545 ou à l'adresse ethics@uvic.ca.

Formulaire de consentement : Sondage sur l'évaluation par le médiateur Régler les différends : nouvelles démarches pour résoudre les conflits dans les organisations de haute sécurité

Chercheur principal : Norman Dolan
250-477-8506
njdolan@uvic.ca

Numéro de l'approbation du Comité d'examen de la recherche en sciences sociales (CERSS) # 990/11-F.

J'ai lu la lettre d'information et j'y ai trouvé toutes les réponses à mon entière satisfaction.

Je désire participer à la présente enquête et je suis au fait que la participation consiste à répondre à des questions relatives à mon évaluation des comportements observés durant les médiations et que je pourrai faire part de mes suggestions en vue d'améliorer les services de médiation, ce qui prendra environ 20 minutes. J'accepte que mes réponses soient prises en compte dans le rapport final. Je comprends qu'aucun renseignement personnel permettant mon identification ne sera versé dans le rapport.

Je suis conscient qu'en vertu de la *Loi sur l'accès à l'information*, les citoyens canadiens ont le droit d'obtenir des exemplaires des rapports de recherche et des données expérimentales (y compris la base de données rattachée au présent projet) conservés dans les dossiers du gouvernement fédéral. Par ailleurs, en vertu de la *Loi sur la protection des renseignements personnels*, les citoyens canadiens ont le droit d'obtenir une copie de tous les renseignements les concernant qui sont conservés dans les dossiers du gouvernement fédéral, y compris les bases de données aux fins des recherches. Avant de divulguer l'information demandée, le personnel de la Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP) examine les données afin de s'assurer que l'identité des personnes n'est pas divulguée.

Je comprends que ma participation est volontaire et que j'ai la liberté de me retirer en tout temps. La participation n'entraîne aucun risque psychologique, physique, économique ou social connu.

Les chercheurs m'ont assuré que mes réponses allaient demeurer confidentielles et qu'ils protégeraient mon anonymat dans tout rapport et toute publication.

Nom : _____ Date (jj/mm/aa) : _____

Signature : _____

N° du questionnaire de recherche :
Date d'achèvement (jj/mm/aa)

N° du médiateur

Sondage sur l'évaluation par le médiateur

Je suis un chercheur indépendant qui œuvre en vue de satisfaire à toutes les exigences liées à l'obtention d'un doctorat en philosophie dans le domaine de l'administration publique de l'Université de Victoria. Vos réponses aux questions du sondage me permettront d'analyser en profondeur le Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC). Bien que certains des renseignements dont j'ai besoin soient déjà accessibles par l'entremise du PGC, je vous prie de m'aider en répondant à toutes les questions ci-dessous. Veuillez retourner le formulaire du sondage au DGMARC par courriel ou dans l'enveloppe ci-jointe.

Première partie : Veuillez répondre aux questions suivantes sur la médiation.

Est-ce que des *tierces parties* (aidants, accompagnateurs, avocats, etc.) ont pris part à la séance de médiation?

Partie A : Non Oui (Veuillez préciser le ou les types ci-dessous)

Avocat

Accompagnateur (ex : représentant syndical, etc.)

Autre aidant (ami, un membre de la famille, etc.)

Partie B : Non Oui (Veuillez préciser le ou les types ci-dessous)

Avocat

Accompagnateur (ex : représentant syndical, etc.)

Autre aidant (ami, un membre de la famille, etc.)

Un protocole d'entente a-t-il été signé: Oui Non

Deuxième partie

Opinions sur les autres parties, les processus et les résultats

Directives : Dans la présente section, on vous demande de réfléchir sur les parties, le processus et le résultat de votre expérience de médiation. Si durant le processus de médiation, vous avez observé ce comportement, en choisissant la réponse la plus appropriée veuillez choisir la réponse qui correspond le mieux avec l'importance de ce facteur au résultat du processus de médiation. Si vous n'avez pas observé ce facteur, veuillez ne rien cocher et passer au suivant.

Aucune importance quelconque	Sans importance	Plus ou moins important	Important	D'une grande importance
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Par exemple, durant une médiation, vous avez remarqué que les parties ont fait preuve de « bonnes techniques d'écoute » ce qui a joué un rôle « important » dans le règlement du conflit. Vous choisissez « important ».

<i>Facteur</i>	<i>Chinoisez votre réponse</i>				
	Aucune importance quelconque	Sans importance	Plus ou moins important	Important	D'une grande importance
Les parties font preuve de bonnes techniques d'écoute	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Choisissez la réponse correspondant à votre réponse au moyen de l'échelle d'importance, veuillez évaluer **les comportements de la partie A** quant à leur importance au résultat du conflit.

Comportements de la partie A	Échelle d'importance				
	Aucune importance quelconque	Sans importance	Plus ou moins important	Important	D'une grande importance
Souplesse et ouverture d'esprit observées	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accent continu sur la médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indentification du besoin de finalité	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Empathie observée	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volonté d'écouter le médiateur	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volonté d'écouter l'autre partie ou son représentant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volonté de collaborer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication d'un engagement à parvenir à une résolution dans-la médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remords formulés	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excuses formulées	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fait preuve de respect envers l'autre partie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Présente judicieusement le dossier ou la position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Démontre de la résolution de	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

problème créative					
Autres facteurs : Si certains facteurs ne figurent pas sur la liste précédente, veuillez les noter ci-dessous et inscrire le chiffre correspondant à leur degré d'importance (de 1 à 5).					

3. Choisissez la réponse correspondant à votre réponse au moyen de l'échelle d'importance, veuillez évaluer **les comportements de la partie B** quant à leur importance au résultat du conflit

Comportements de la partie B	Échelle d'importance				
	Aucune importance quelconque	Sans importance	Plus ou moins important	Important	D'une grande importance
Souplesse et ouverture d'esprit observées	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Accent continu sur la médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indentification du besoin de finalité	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Empathie observée	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volonté d'écouter le médiateur	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volonté d'écouter l'autre partie ou son représentant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volonté de collaborer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication d'un engagement à parvenir à une résolution la médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remords formulés	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excuses formulées	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fait preuve de respect envers l'autre partie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Présente judicieusement le dossier ou la position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Démontre de la résolution de problème créative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autres facteurs : Si certains facteurs ne figurent pas sur la liste précédente, veuillez les noter ci-dessous et inscrire le chiffre correspondant à leur degré d'importance (de 1 à 5).					

4. Choisissez la réponse correspondant à votre réponse au moyen de l'échelle d'importance, veuillez évaluer les **comportements du médiateur** quant à leur importance dans le règlement du conflit.

Comportements du médiateur	Échelle d'importance				
	Aucune importance quelconque	Sans importance	Plus ou moins important	Important	D'une grande importance
A écouté	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A posé des questions exploratoires	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A aidé les parties à envisager les avantages des différents points de vue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A précisé des faits/des points d'entente	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A atténué des émotions négatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A facilité les élans libérateurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A encouragé l'ouverture d'esprit, l'honnêteté et la communication directe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A gardé les parties concentrées	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A encouragé la résolution le règlement du conflit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A acquis la confiance/créé des liens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S'est effacé/a laissé les parties résoudre leur conflit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A évalué les forces et les faiblesses d'une réclamation ou d'un point de vue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S'est montré au fait du processus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A proposé des options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A étudié des options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A négocié avec une ou plusieurs parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Est resté calme	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A fait preuve d'empathie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S'est montré persistant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Est resté neutre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Est demeuré optimiste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A fait preuve de créativité	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A su tirer parti des caucus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A évité des caucus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A eu recours à des tactiques ou à des stratégies aux fins de facilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A eu recours à des tactiques ou à des stratégies aux fins d'évaluation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A bien préparé les parties lors de l'étape de la pré-médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autres facteurs : Si vous avez utilisé des comportements ou des tactiques pour résoudre le conflit qui ne figurent pas sur la liste précédente, veuillez les noter ci-dessous et inscrire le chiffre correspondant à leur degré d'importance (de 1 à 5).					

5. Compte tenu du déroulement de la médiation, veuillez évaluer le degré d'importance des **suggestions** qui pourraient contribuer à améliorer le processus de médiation dans le cadre du PGC.

Suggestions	Échelle d'importance				
	Aucune importance quelconque	Sans importance	Plus ou moins important	Important	D'une grande importance
Avant la médiation, s'assurer de la pertinence de soumettre le conflit à une médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Avant la médiation, s'assurer que les deux parties souhaitent trouver un compromis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Avant la médiation, s'assurer que les parties sont accompagnées ou représentées par des personnes qui ont l'autorité de régler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informar les parties qu'elles doivent être disposées à discuter de TOUTES les questions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informar les parties qu'elles doivent être disposées à discuter de TOUTES les possibilités d'options de solution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Avoir moins d'accompagnateurs à la médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exclure les accompagnateurs non-légaux	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Au préalable, fournir aux médiateurs des renseignements sur le dossier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Réserver un lieu plus approprié pour les caucus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fournir davantage d'aide pour le travail de bureau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Déterminer des moments plus opportuns pour la médiation (p. ex., commencer plus tôt, éviter les vendredis, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donner plus de formations aux médiateurs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promouvoir le dialogue et l'interaction entre les médiateurs dans le but d'établir des stratégies lorsque les cas sont difficiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donner une meilleure formation sur les questions liées au processus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donner une formation sur les parties récidivistes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remettre aux parties une liste de vérification en vue de l'élaboration des options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remettre aux médiateurs une liste de vérification en vue de l'élaboration des options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fournir un exemple de protocole d'entente standardisé	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allouer plus de temps à la médiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autres suggestions : Si certaines suggestions ne figurent pas sur la liste précédente, veuillez les noter ci-dessous et inscrire le chiffre correspondant à leur degré d'importance (de 1 à 5).					

Veuillez glisser le formulaire dûment rempli dans l'enveloppe fournie à cette fin, la cacheter et la remettre au représentant du DGMARC. Nous vous remercions de votre participation. Pour obtenir de plus amples renseignements, n'hésitez pas à communiquer avec moi au 250-477-8506 ou à l'adresse courriel njdolan@uvic.ca.

Appendix C: Parties to Mediation Survey

- Letter of Information – Mediation Participants Survey
- Mediator Assessment Survey
- Consent Form: Mediator Assessment Survey
- Lettre d'information – Les participants médiation enquête
- Formulaire de consentement: Entrevue sur le développement organisationnel
- Questionnaire de l'enquête à l'intention des participants

Letter of Information – Mediation Participants’ Survey Settling Differences: New Approaches to Conflict Resolution in High Security Organizations

Purpose and Objectives

You are invited to participate in a study entitled Settling Differences: New Approaches to Resolving Conflict in High-security Organizations that is being conducted by Norman Dolan. I am a PhD student in the School of Public Administration at the University of Victoria, and the independent principal researcher for this study. You may contact me if you have further questions by telephone at (250) 477-8506 or by email at njdolan@uvic.ca

As a PhD student, I am required to conduct research as part of the requirements for a Doctor of Philosophy degree in Public Administration. This research will be used for my dissertation, proceeding under the supervision of Dr. Evert Lindquist. You may contact him by telephone at (250) 721-8084, or by email at evert@uvic.ca. This research has been sponsored by the Director General, Alternate Dispute Resolution (DGADR) and has received Social Sciences Research Review Board Coordination # 990/11-F.

This study will focus on the conflict resolution systems employed by the Conflict Management Program (CM Program) within the Department of National Defence and the Canadian Forces (DND/CF).

Importance of this Research

This survey will provide an opportunity for you to indicate how satisfied you are with the mediation service provided by the Conflict Management Program. The information that you offer will make an important contribution to the following outcomes. First, it will provide current information that will assist the Director General Alternate Dispute Resolution in DND/CF with managing service quality, allocating resources and conducting strategic program review. Secondly, it will describe how different programs might work in different types of organizations, and provide ways of evaluating their effectiveness in resolving conflict. Thirdly, it will examine how new programs can be incorporated into organizations with strong cultures and deeply embedded behavioural repertoires, and identify strategies for increasing chances of success. Finally this research will contribute to the general body of knowledge in the fields of organizational development and conflict resolution.

Participants Selection (Mediation Participants’ Survey)

Your participation in this research is entirely voluntary. You are under no obligation to participate based either on professional affiliation or prior association with the researcher. You are being asked to participate in this study because you have knowledge and experience related to conflict resolution in either civil or military settings. Your knowledge and experience are critical to the scope and depth of this research project and the report that will be produced.

What is involved

If you agree to voluntarily participate in this research, your participation will involve completing a survey that takes approximately twenty minutes and contains questions regarding your subjective experience with the mediation service provided by the Conflict Management Program.

The survey will be administered to you after completing the mediation. The survey will examine the amount of preparation prior to mediation, your participation in mediation, and your satisfaction with the mediation service. The results will document outcomes and provide an indication of how participants rate their individual experience with mediation, as well how the service overall is perceived.

You can complete the questionnaire either in paper or electronic format. Your mediator will provide you with the paper format. The questionnaire has also been installed in both official languages on a secure, website set up specifically for this purpose. The questionnaires can be retrieved and completed at the site and submitted electronically where it will be deposited directly and anonymously in a dedicated database that is accessible only to me as the Principal Researcher.

You can get access to the site either by clicking on the following link or by copying the link and pasting it into the command line of your web browser.

[Parties to Mediation Survey / Questionnaire de l'enquête à l'intention des participants](#)

Your completed questionnaire will be taken as an indication of your consent. However, as your participation is completely voluntary, you may decline to answer any of the questions. At some point in the future you may receive an e-mail reminder of this survey.

Risks

You will be asked to answer questions that relate only to your personal experience and opinions on conflict resolution. Questions will be limited to the subject of this research and will not be outside the scope of your experience. However, there is some possibility that you may be subject to some emotional discomfort as a result of your participation in this research. In the event that you do experience any such discomfort you can call any of the numbers listed below and you will be provided with the assistance you may need.

CANADIAN FORCES MEMBER ASSISTANCE PROGRAM (CFMAP)

1-800-268-7708

Hearing Impaired Line (Mon-Fri 7:30 a.m. to 11:00 p.m. E.T.) 1-800-567-5803

<http://www.forces.gc.ca/health-sante/ps/map-pam/default-eng.asp>

CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (EAP)

(EAP Ottawa Coordinator contact) 613- 992-1740

http://hr.ottawa-hull.mil.ca/hrciv/dgcesp/ddwb/eap/en/home_e.asp?reference=110750001

Benefits

Participating in this research will give you the opportunity to express your opinion about what aspects of mediation work well, what areas need improvement and whether or not you were satisfied with the service you received. The contribution you make will form part of an overall report that will offer recommendations on how the conflict management program could be designed and operated. Moreover, it will benefit the general state of knowledge because the project's findings and report will add to the body of knowledge that is available to help researchers and practitioners in the field of conflict management.

Voluntary Participation

Your participation in this research must be completely voluntary. If you decide to participate, you may withdraw at any time with no consequence or explanation. You are free to withdraw any information you have shared at any time without consequence, and this information would be destroyed and not used for the duration of the study.

Privacy and Confidentiality

Every effort, including the use of code numbers to identify the results obtained from individuals, will be made to protect the privacy and confidentiality of each person who participates in this survey. However, there are limits to both privacy and confidentiality. Because I will receive and analyze the completed surveys your identity may become known to me. The information on individual surveys will remain confidential and participants will not be identified either by name or unit. Only the aggregate results of the analysis will be reported. The data that is collected will be kept in locked filing cabinet(s) and password protected computer files located in my office in Victoria.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways:

7. Summary reports of aggregated data will be provided to DGADR the research sponsor;
8. Become part of the data used in the completion of the researcher's PhD dissertation; and
9. Form part of the data that may be used in published reports in academic and professional journals.

Disposal of Data

The research project concludes with the submission of the report to the SSRRB and its acceptance by the School of Public Administration and the University of Victoria. Upon completion of the research project data from this study will be securely maintained for a period of three calendar years after which it will be destroyed.

Contacts

Individuals that may be contacted regarding this study include:

Norman Dolan
Principal Researcher
Phone: (250) 477-8506
Email: njdolan@uvic.ca.

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Consent Form: Mediation Participants' Survey
Settling Differences: New Approaches to Conflict Resolution in High
Security Organizations

Principal Researcher: Norman Dolan
(250) 477-8506
njdolan@uvic.ca

SSRRB Coordination # 990/11-F

I have read the letter of information and have had all of my questions answered to my satisfaction.

I am willing to participate in this study and I am aware that participation consists of completing a survey that contains questions regarding my satisfaction with the mediation service provided by the Conflict Management Program. The survey will take approximately 20 minutes to complete. I agree to have this questionnaire documented to be included in the final report. I understand that no personal identifying information will be included in the report.

I am aware that under the Access to Information Act, Canadian citizens are entitled to obtain copies of research reports and research data (including the database pertaining to this project) held in Federal government files. Similarly, under the Privacy Act, Canadian citizens are entitled to copies of all information concerning them that is held in Federal government files including research databases. Prior to releasing requested information, the Directorate of Access to Information and Privacy (DAIP) screens the data to ensure that individual identities are not disclosed.

I understand that my participation is voluntary and that I am free to withdraw at any time. Although there may be some risk in my participation I have been provided with the information about how to contact the appropriate services if they are needed.

I have been assured by the researchers that they will keep my responses confidential and will protect my anonymity in any reports or publications.

Name: _____ Date (dd/mm/yy): _____

Signature: _____

Research Questionnaire N°.

Mediation Participants' Survey Questions

I am an independent researcher who is currently completing the requirements for the degree of PhD in Public Administration with the University of Victoria. Your assistance in completing this survey will allow me to fully analyze the Conflict Management Program (CM Program) within the Department of National Defence and the Canadian Forces. While the CM Program may already have some of the information that I seek, I ask that you help me by fully answering the questions below on the basis of the mediation that you have just participated in. Please return the survey to DGADR in the enclosed envelope.

Demographic Questions

1. Please indicate your rank or civilian classification:

Reg Force Rank Reserve Force Rank
Civilian Classification Cadet Rank

2. If you are a member of the Reg or Reserve Forces please indicate your element:

Navy Army Air Force

3. Please indicate your Age group:

20 -30 31- 49 50 – 59 60 – 70

4. Please indicate your gender:

Male Female

The following questions ask about your experience with the mediation process.

1. Was the mediation conducted in your official language of choice?

Yes No

Pease rate the following questions in terms of your level of satisfaction.	Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied
2. How satisfied are you with the quality of information you received about the process before participating in mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. How satisfied are you with the amount of control you had over the mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. How satisfied are you with the opportunity to present your side of the dispute?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. How satisfied are you with the fairness of the mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. How satisfied are you with how much you got to participate in the mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. How satisfied are you with the mediator's explanation of the process and the ground rules?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. I decided to participate in mediation because: (Please Print)

The following statements ask about your experience with the other party to the mediation. Please rate the following statements in terms of your level of agreement.	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
9. The other person listened to your views	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The other person learned something new about your point of view	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. You learned something new about the other person's point of view	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. The other person acknowledged as legitimate your perspective, views or interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. You acknowledged as legitimate the other person's perspective, views or interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. The other person listened to your views	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following questions ask about your experience with the mediator. Please rate the following questions in terms of your level of satisfaction.	Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied
15. How satisfied are you with the amount of respect the mediator gave you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. How satisfied are you with the impartiality of the mediator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. How satisfied are you with the fairness of the mediator?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please rate the following statement in terms of your level of agreement.	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
18. The mediator told you the strengths and weaknesses of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. The mediator facilitated the development of realistic options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. The mediator pressed you to accept a resolution you were uncomfortable with	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following statements ask about the mediator's performance during the mediation. Using the scale provided, please rate the following statements in terms of your level of agreement.	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
21. The mediator helped you clarify what your goals and/or choices were	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. The mediator helped you understand the other person's viewpoint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. The mediator helped the other person understand your viewpoint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please rate the following question in terms of your level of satisfaction.	Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied
24. How satisfied are you with the mediator's performance overall?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following questions ask about your experience with the outcome of the mediation. Please rate the following question in terms of your level of satisfaction.	Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied
25. How satisfied are you with the overall outcome of the mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. How satisfied are you with the fairness of the outcome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. How satisfied are you with the control you had over the outcome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. Were minutes of settlement signed?

Yes No

If no go to question 30.

Please rate the following question in terms of your level of satisfaction.	Very Dissatisfied	Dissatisfied	Neither Dissatisfied nor Satisfied	Satisfied	Very Satisfied
29. How satisfied were you with the minutes of settlement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. If you answered no to question 28, was some progress made that may help lead to an eventual agreement?

Yes No

The following statement asks about the impact of mediation on your relationship with the other party. Please rate the following statement in terms of your level of agreement.	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree
31. The mediation helped your relationship with the other party	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The following questions ask about your recommendations.					
32. I would recommend the mediation program to someone else to resolve a dispute	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. If I were involved in a dispute in the future, I would use the mediation program again	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

34. Is there any other aspect of the mediation process that is important to you that we have not yet explored?

Yes No

35. If yes, please explain.

Please place this completed form in the envelope provided, seal it and hand it to the DGADR representative.

Thank you for your participation. We appreciate your help

If you have any questions please contact me at 250 477-8506 or njdolan@uvic.ca. This is a confidential survey. Your identity will not be disclosed.

Lettre d'information – Les participants médiation enquête Régler les différends : nouvelles démarches pour résoudre les conflits dans les organisations de haute sécurité

But et objectifs

Vous êtes invité à participer à une enquête intitulée Régler les différends : nouvelles démarches employées dans les organisations de haute sécurité pour résoudre les conflits, menée par Norman Dolan. Je suis étudiant au doctorat à l'école d'administration publique de l'Université de Victoria, et le chercheur indépendant principal responsable de l'enquête. Si vous avez besoin de plus amples renseignements, vous pouvez communiquer avec moi par téléphone au 250-477-8506 ou par courriel à l'adresse njdolan@uvic.ca.

En ma qualité d'étudiant au doctorat et afin d'obtenir mon doctorat en philosophie dans le domaine de l'administration publique, je dois effectuer une recherche. Je me servirai de cette recherche pour rédiger ma thèse de doctorat qui sera supervisée par Evert Lindquist, Ph.D. Vous pouvez communiquer avec ce dernier par téléphone au 250-721-8084 ou par courriel à l'adresse evert@uvic.ca. La recherche a été approuvée par le MDN et les FC et parrainée par le Directeur-général – Modes alternatifs de résolution de conflits (DGMARC).

La présente enquête sera axée sur les systèmes de résolution de conflits employés dans le cadre du Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC).

Importance de la recherche

Le domaine de la gestion des conflits au sein de la fonction publique est complexe et il existe peu de documents publics sur la question. Vos observations et votre expérience dans la gestion de services de cette nature sont essentielles pour mieux comprendre ce milieu.

L'information que vous fournirez contribuera grandement à atteindre les résultats suivants. D'abord, cette information récente permettra au Directeur-général – Modes alternatifs de résolution de conflits du MDN et des FC de gérer la qualité du service, d'attribuer des ressources et de procéder à un examen stratégique du programme. Deuxièmement, les données obtenues permettront de décrire les usages possibles des différents programmes selon divers types d'organisations et de proposer des méthodes pour évaluer leur efficacité en ce qui a trait à la résolution de conflits. Troisièmement, on étudiera les façons d'intégrer de nouveaux programmes dans des organisations aux cultures bien ancrées et où les répertoires des comportements sont bien enchâssés, et on repérera des stratégies de manière à accroître les chances de réussite. Enfin, la présente recherche contribuera à l'ensemble des connaissances générales dans les domaines du développement organisationnel et de la résolution de conflits.

Sélection des participants

Votre participation à la recherche est entièrement volontaire. Vous n'avez aucune obligation de participer en raison d'une affiliation professionnelle ou d'une association passée avec le chercheur. Vous êtes invité à participer à la présente enquête parce que vous possédez des connaissances et de l'expérience en matière de résolution de conflits, dans le secteur civil ou militaire. Vos connaissances et votre expérience sont essentielles compte tenu de la portée et de l'exhaustivité du projet de recherche et du rapport qui en découlera.

Ce qu'on attend de vous

Si vous acceptez de participer volontairement à cette recherche, votre participation consistera à répondre à une enquête qui dure environ vingt minutes et contient des questions concernant votre expérience subjective avec le service de médiation prévue par le Programme de gestion des conflits.

L'enquête sera administré à vous après avoir terminé une médiation. L'enquête examinera le degré de préparation avant la médiation, votre participation à la médiation, et votre satisfaction avec le service de médiation. Les résultats seront documenter les résultats et fournir une indication de la façon dont les participants d'évaluer leur expérience individuelle avec la médiation, ainsi la façon dont le service est perçue globale.

Vous pouvez remplir le questionnaire soit en format papier ou électronique. Votre médiateur vous fournir le format du papier. Le questionnaire a également été installé dans les deux langues officielles sur un site Web sécurisé mis en place spécifiquement à cet effet. Les questionnaires peuvent être récupérées et complété sur le site et soumis par voie électronique où il sera déposé directement et anonymement dans une base de données dédiée qui est accessible seulement à moi que le chercheur principal.

Vous pouvez obtenir l'accès au site soit en cliquant sur le lien suivant ou en copiant le lien et le coller dans la ligne de commande de votre navigateur Web.

[Parties to Mediation Survey / Questionnaire de l'enquête à l'intention des participants](#)

Votre questionnaire rempli sera considéré comme une indication de votre consentement. Cependant, en tant que votre participation est entièrement volontaire, vous pouvez refuser de répondre à toutes les questions. À un certain moment dans le futur, vous pourrez recevoir un rappel par e-mail de cette enquête.

Risques

On vous demandera de répondre à des questions qui ne concernent que votre expérience personnelle et vos observations en lien avec les programmes de résolution de conflits. Les

questions seront limitées au sujet de la recherche et leur portée ne dépassera pas le cadre de votre expérience. Par conséquent, il est peu probable que votre participation entraîne des risques.

Dans le cas où vous ne ressentez de l'inconfort tels que vous pouvez appeler un des numéros indiqués ci-dessous et vous sera fourni avec l'assistance dont vous pourriez avoir besoin.

Programme d'aide aux membres (PAM)

1-800-268-7708

Ligne pour malentendant (lun-ven de 7h30 à 11h00 HE h) 1-800-567-5803

<http://www.forces.gc.ca/health-sante/ps/map-pam/default-eng.asp>

PROGRAMME D'AIDE AUX CIVILS AUX EMPLOYÉS (PAE)

(PAE Ottawa Coordonateur de contact) 613 - 992-1740

http://hr.ottawa-hull.mil.ca/hrciv/dgcesp/ddwb/eap/en/home_e.asp?reference=110750001

Avantages

En participant à la présente recherche, vous contribuerez grandement au rapport final mentionné précédemment. Le rapport comprendra des recommandations sur la conception et la gestion des programmes de gestion des conflits. De plus, votre apport au bagage de connaissances générales, par l'entremise des conclusions et du rapport, s'ajoutera au bloc de connaissances générales dont disposent les chercheurs et les spécialistes dans le domaine de la gestion de conflits.

Participation volontaire

Votre participation à la présente recherche doit être entièrement volontaire. Si vous acceptez de participer, vous pouvez décider de vous retirer à tout moment sans aucune conséquence ni explication. Si vous devez vous retirer de l'enquête pour quelque raison que ce soit, j'aimerais énormément que vous me fournissiez l'information que vous aurez alors colligée pour que j'en tienne compte dans l'enquête. Toutefois, vous avez la liberté de retirer toute information que vous auriez communiquée, en tout temps et sans aucune conséquence, et ladite information sera détruite sans être utilisée durant l'enquête.

Respect de la vie privée et confidentialité

Tous les efforts seront déployés, y compris l'utilisation de numéros de code afin d'associer les données obtenues de chaque personne, afin de protéger la vie privée et la confidentialité de chaque personne qui participera à l'enquête. Il importe toutefois de

préciser que des limites entravent le respect de la vie privée et la confidentialité. Puisque je dirigerai l'entrevue, je connaîtrai votre identité.

Les renseignements recueillis lors des entrevues personnelles demeureront confidentiels et on ne vous désignera ni par votre nom ni par l'organisation. On ne fera état que de résultats d'ensemble et tout renseignement susceptible de permettre l'identification de l'interrogé sera modifié afin de protéger votre anonymat. Les données recueillies seront gardées dans un ou des classeurs verrouillés et les fichiers informatiques seront sauvegardés dans mon bureau de Victoria et protégés par un mot de passe.

Diffusion des résultats

On s'attend à ce que les résultats de la présente enquête soient communiqués de différentes façons :

1. dans des rapports sommaires sur les données d'ensemble qui seront remis au DGMARC, le parrain de la recherche;
2. parmi les données utilisées pour rédiger la thèse de doctorat du chercheur;
3. parmi les données qui pourraient servir à rédiger des rapports devant paraître dans des publications scientifiques et spécialisées.

Élimination des données

Le projet de recherche s'achèvera avec la remise du rapport au CERSS et son acceptation par l'école d'administration publique et l'Université de Victoria. Une fois le projet de recherche achevé, les données recueillies dans le cadre de la présente enquête seront conservées en lieu sûr pendant trois années civiles et elles seront ensuite détruites.

Personnes-ressources

Personnes avec qui communiquer relativement à la présente enquête :

Norman Dolan
Chercheur principal
Numéro de téléphone : 250-477-8506
Courriel : njdolan@uvic.ca.

De plus, vous pouvez vérifier si la présente enquête a fait l'objet d'une approbation sur le plan de l'éthique, ou formuler toute préoccupation en communiquant avec le Human Research Ethics Office de l'Université de Victoria au 250-472-4545 ou à l'adresse ethics@uvic.ca.

**Formulaire de consentement : Entrevue sur le développement
organisationnel**
**Régler les différends : nouvelles démarches employées dans les
organisations de haute sécurité pour régler les conflits**

Chercheur principal : Norman Dolan
250-477-8506
njdolan@uvic.ca

**Numéro de l'approbation du Comité d'examen de la recherche en sciences sociales
(CERSS) #990/11-F.**

J'ai lu la lettre d'information et j'y ai trouvé toutes les réponses à mon entière satisfaction.

Je désire participer à la présente enquête et je suis au fait que la participation consiste à prendre part à une entrevue privée qui durera environ une heure. J'accepte que l'entrevue soit prise en compte dans le rapport final. Je comprends qu'aucun renseignement personnel permettant mon identification ne sera versé dans le rapport.

Je suis conscient qu'en vertu de la *Loi sur l'accès à l'information*, les citoyens canadiens ont le droit d'obtenir des exemplaires des rapports de recherche et des données expérimentales (y compris la base de données rattachée au présent projet) conservés dans les dossiers du gouvernement fédéral. Par ailleurs, en vertu de la *Loi sur la protection des renseignements personnels*, les citoyens canadiens ont le droit d'obtenir une copie de tous les renseignements les concernant qui sont conservés dans les dossiers du gouvernement fédéral, y compris les bases de données aux fins des recherches. Avant de divulguer l'information demandée, le personnel de la Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP) examine les données afin de s'assurer que l'identité des personnes n'est pas divulguée.

Je comprends que ma participation est volontaire et que j'ai la liberté de me retirer en tout temps. La participation n'entraîne aucun risque physique, économique ou social connu.

Nom : _____ Date (jj/mm/aa) : _____

Signature : _____

N° du questionnaire de recherche :

Questionnaire de l'enquête à l'intention des participants

Je suis un chercheur indépendant qui œuvre en vue de satisfaire à toutes les exigences liées à l'obtention d'un doctorat en philosophie dans le domaine de l'administration publique de l'Université de Victoria. Vos réponses aux questions de l'enquête me permettront d'analyser en profondeur le Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC). Bien que certains des renseignements dont j'ai besoin soient déjà accessibles par l'entremise du PGC, je vous prie de m'aider en répondant à toutes les questions ci-dessous en fonction de la médiation à laquelle vous venez de participer. Veuillez retourner le formulaire du sondage au DGMARC par courriel ou dans l'enveloppe ci-jointe.

Questions démographiques

1. No du questionnaire de recherche :
2. Veuillez indiquer votre grade ou classification civile
Grade des forces régulières Grade des forces de réserve
Classification civile
3. Si vous êtes membre des forces régulières ou des forces de réserve veuillez indiquer votre environnement :
La Marine L'armée de terre La force aérienne
4. Veuillez indiquer votre regroupement d'âge:
20-30 31-49 50-59 60-70
5. Veuillez indiquer votre sexe :
Masculin Féminin

Les questions suivantes portent sur votre expérience du processus de médiation.

1. La médiation s'est-elle déroulée dans la langue officielle de votre choix?
Oui Non

À l'aide du barème ci-contre, veuillez indiquer votre degré de satisfaction relativement à chacune des questions suivantes.	Très insatisfait(e)	Insatisfait(e)	Plus ou moins satisfait(e)	Satisfait(e)	Très satisfait(e)
8. Dans quelle mesure êtes-vous satisfait(e) de la qualité de l'information obtenue sur le processus avant de participer à la médiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Dans quelle mesure êtes-vous satisfait(e) du degré de contrôle que vous avez exercé durant la médiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Dans quelle mesure êtes-vous satisfait(e) des possibilités que vous avez eues de présenter votre perspective du conflit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Dans quelle mesure êtes-vous satisfait(e) du caractère équitable de la médiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Dans quelle mesure êtes-vous satisfait(e) de l'ampleur de votre participation durant la médiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Dans quelle mesure êtes-vous satisfait(e) des explications du médiateur en ce qui a trait au processus et aux règles de base?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. J'ai décidé de participer à une médiation pour les raisons suivantes : (veuillez écrire en lettres moulées)

Les énoncés suivants portent sur votre expérience avec l'autre partie de la médiation. À l'aide du barème ci-contre, veuillez indiquer dans quelle mesure vous êtes d'accord relativement à chacune des questions suivantes.	Pas du tout d'accord	En désaccord	Plus ou moins d'accord	En accord	Tout à fait d'accord
15. L'autre personne a écouté vos points de vue.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. L'autre personne a appris quelque chose sur votre point de vue.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Vous avez appris quelque chose sur le point de vue de l'autre personne.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. L'autre personne a reconnu que votre perspective, vos points de vue ou vos intérêts étaient légitimes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Vous avez reconnu que la perspective, les points de vue ou les intérêts de l'autre personne étaient légitimes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. L'autre personne a écouté vos points de vue.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Les questions suivantes portent sur votre expérience avec le médiateur. À l'aide du barème ci-contre, veuillez indiquer votre degré de satisfaction relativement à chacune des questions suivantes.	Très insatisfait(e)	Insatisfait(e)	Plus ou moins satisfait(e)	Satisfait(e)	Très satisfait(e)
18. Dans quelle mesure êtes-vous satisfait(e) du respect dont a fait preuve le médiateur à votre égard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Dans quelle mesure êtes-vous satisfait(e) de l'impartialité du médiateur?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Dans quelle mesure êtes-vous satisfait(e) de l'équité dont a fait preuve le médiateur?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

À l'aide du barème ci-contre, veuillez indiquer dans quelle mesure vous êtes d'accord relativement à chacune des questions suivantes.	Pas du tout d'accord	En désaccord	Plus ou moins d'accord	En accord	Tout à fait d'accord
28. Le médiateur vous a expliqué les forces et les faiblesses de la question en litige.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Le médiateur a encouragé l'élaboration de solutions réalistes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Le médiateur vous a incité à accepter un règlement avec lequel vous étiez inconfortable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Les énoncés suivants portent sur la qualité du travail du médiateur durant la médiation. À l'aide du barème ci-contre, veuillez indiquer dans quelle mesure vous êtes d'accord relativement à chacune des questions suivantes.	Pas du tout d'accord	En désaccord	Plus ou moins d'accord	En accord	Tout à fait d'accord
31. Le médiateur vous a aidé à préciser vos buts ou vos choix.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. Le médiateur vous a aidé à comprendre le point de vue de l'autre personne.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Le médiateur a aidé l'autre personne à comprendre votre point de vue.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

À l'aide du barème ci-contre, veuillez indiquer votre degré de satisfaction relativement à la question suivante.	Très insatisfait(e)	Insatisfait(e)	Plus ou moins satisfait(e)	Satisfait(e)	Très satisfait(e)
34. Dans quelle mesure êtes-vous satisfait(e) du travail du médiateur dans l'ensemble?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Les questions qui suivent portent sur votre expérience en ce qui a trait à la conclusion de la médiation. À l'aide du barème ci-contre, veuillez indiquer votre degré de satisfaction relativement à chacune des questions suivantes.	Très insatisfait(e)	Insatisfait(e)	Plus ou moins satisfait(e)	Satisfait(e)	Très satisfait(e)
35. Dans quelle mesure êtes-vous satisfait(e) du résultat global de la médiation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. Dans quelle mesure êtes-vous satisfait(e) du résultat au chapitre de l'équité?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. Dans quelle mesure êtes-vous satisfait(e) du degré de contrôle que vous avez exercé quant au résultat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. A-t-on signé le procès-verbal du règlement?

Oui Non

Si non, passez à la question n° 30.

À l'aide du barème ci-contre, veuillez indiquer votre degré de satisfaction relativement à la question suivante.	Très insatisfait(e)	Insatisfait(e)	Plus ou moins satisfait(e)	Satisfait(e)	Très satisfait(e)
30. Dans quelle mesure êtes-vous satisfait(e) du procès-verbal du règlement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. Si vous avez répondu non à la question n° 28, y a-t-il eu des progrès susceptibles de donner lieu à un accord éventuel?

Oui Non

L'énoncé suivant porte sur l'incidence de la médiation sur votre relation avec l'autre partie. À l'aide du barème ci-contre, veuillez indiquer dans quelle mesure vous êtes d'accord relativement à la question suivante.	Pas du tout d'accord	En désaccord	Plus ou moins d'accord	En accord	Tout à fait d'accord
32. La médiation a permis d'améliorer votre relation avec l'autre partie.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Les énoncés suivantes portent sur vos recommandations.					
34. Je recommanderais le programme de médiation à quiconque désire régler un conflit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Si je vis un conflit à l'avenir, je ferai encore une fois appel au programme de médiation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

34. Y a-t-il un autre aspect du processus de médiation qui est important pour vous et que nous n'avons pas encore abordé?

Oui Non

35. Si oui, veuillez expliquer.

Veuillez glisser le formulaire dûment rempli dans l'enveloppe fournie à cette fin, la cacheter et la remettre au représentant du DGMARC.

Nous vous remercions de votre participation. Votre aide nous est très précieuse.

Pour obtenir de plus amples renseignements, n'hésitez pas à communiquer avec moi au 250-477-8506 ou à l'adresse courriel njdolan@uvic.ca. Les réponses à l'enquête demeureront confidentielles et votre identité ne sera pas divulguée.

Appendix D: Organizational Development Interview

- Letter of Information – Organizational Development Interview
- Consent Form: Organizational Development Interview
- Organization Development Research and Interview Questions
- Lettre d'information – Entrevue sur le développement organisationnel
- Formulaire de consentement: Entrevue sur le développement organisationnel
- Questions de recherche et d'entrevue sur le développement organisationnel

Letter of Information – Organizational Development Interview Settling Differences: New Approaches to Conflict Resolution in High Security Organizations

Purpose and Objectives

You are invited to participate in a study entitled Settling Differences: New Approaches to Resolving Conflict in High-security Organizations that is being conducted by Norman Dolan. I am a PhD student in the School of Public Administration at the University of Victoria, and the independent, principal researcher for this study. You may contact me if you have further questions by telephone at (250) 477-8506 or by email at njdolan@uvic.ca

As a PhD student, I am required to conduct research as part of the requirements for a Doctor of Philosophy degree in Public Administration. This research will be used for my dissertation, proceeding under the supervision of Dr. Evert Lindquist. You may contact him by telephone at (250) 721-8084, or by email at evert@uvic.ca. This research has been sponsored by the Director General, Alternate Dispute Resolution (DGADR) and has received Social Sciences Research Review Board (SSRRB) Coordination # 990/11-F.

This study will focus on the conflict resolution systems employed by the Conflict Management Program within the Department of National Defence and the Canadian Forces.

Importance of this Research

The field of conflict management in the public service is complex, and has not yet been extensively documented in the public literature. Your observations and experience with managing these services form a vital part of developing a more comprehensive understanding of this environment.

The information that you provide will make an important contribution to the following outcomes. First, it will provide current information that will assist the Director General of Alternate Dispute Resolution in DND/CF with managing service quality, allocating resources and conducting strategic program review. Secondly, it will help to describe how different programs might work in different types of organizations, and provide ways of evaluating their effectiveness in resolving conflict. Thirdly, it will examine how new programs can be incorporated into organizations with strong cultures and deeply embedded behavioural repertoires, and identify strategies for increasing chances of success. Finally this research will contribute to the general body of knowledge in the fields of organizational development and conflict resolution.

Participants Selection

Your participation in this research is entirely voluntary. You are under no obligation to participate based either on professional affiliation or prior association with the researcher.

You are being asked to participate in this study because you have knowledge and experience related to conflict resolution in either civil or military settings. Your knowledge and experience are critical to the scope and depth of this research project and the report that will be produced.

What is involved

If you agree to voluntarily participate in this research, your participation will involve answering questions regarding your experience with conflict management. The questions will ask about your experience with alternate dispute resolution and what suggestions you may have for improving the service.

You will be asked whether or not you are willing to have the interview audio-taped, and if you agree the researcher will record the interview. If you so wish, you will be provided with a copy of the recorded interview. If you are willing to participate in the interview but do not wish to have it audio-taped, the researcher will proceed and take notes during the interview. Your participation in the interview will be taken as an indication of your consent. However, as your participation is completely voluntary, you may decline to answer any of the questions.

Risks

You will be asked to answer questions that relate only to your personal experience and observations of conflict resolution programs. Questions will be limited to the subject of this research and will not be outside the scope of your experience. Therefore, it is unlikely that there will be risks involved in your participation.

Benefits

The results of your participation in this research will make an important contribution to the final report mentioned above. This report will offer recommendations on how conflict management programs could be designed and managed. Moreover, your participation will contribute to the state of knowledge because the project's findings and report will add to the general body of knowledge that is available to assist researchers and practitioners in the field of conflict management.

Voluntary Participation

Your participation in this research must be completely voluntary. If you decide to participate, you may withdraw at any time without any consequences or any explanation. If you must leave the study for whatever reason, I would greatly appreciate the information that you have already provided and use it to contribute to the study. However, you are free to withdraw any information you have shared at any time without consequence, and this information will be destroyed and not used in the study.

Privacy and Confidentiality

Every effort, including the use of code numbers to identify the results obtained from individuals, will be made to protect the privacy and confidentiality of each person who participates in this survey. However, there are limits to both privacy and confidentiality. Because I will conduct the interview your identity will be known to me.

The information from individual interviews will remain confidential and participants will not be identified by either by name or organization. Only the aggregate results of the analysis will be reported, and any identifying information will be changed to protect your individual confidentiality. The data that is collected will be kept in locked filing cabinet(s) and password protected computer files located in my office in Victoria.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways:

10. Summary reports of aggregated data will be provided to DGADR the research sponsor;
11. Become part of the data used in the completion of the researcher's PhD dissertation; and
12. Form part of the data that may be used in published reports in academic and professional journals.

Disposal of Data

The research project concludes with the submission of the report to the SSRRB and its acceptance by the School of Public Administration and the University of Victoria. Upon completion of the research project data from this study will be securely maintained for a period of three calendar years after which it will be destroyed.

Contacts

Individuals who may be contacted regarding this study include:

Norman Dolan
Principal Researcher
Phone: (250) 477-8506
Email: njdolan@uvic.ca.

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

**Consent Form Organizational Development Interview
Settling Differences: New Approaches to Conflict Resolution in High
Security Organizations**

Principal Researcher: Norman Dolan
(250) 477-8506
njdolan@uvic.ca

SSRRB Coordination #990/11-F

I have read the letter of information and have had all of my questions answered to my satisfaction.

I am willing to participate in this study and I am aware that participation consists of a personal interview that will take approximately one hour. I agree to have this interview documented to be included in the final report. I understand that no personal identifying information will be included in the report.

I am aware that under the Access to Information Act, Canadian citizens are entitled to obtain copies of research reports and research data (including the database pertaining to this project) held in Federal government files. Similarly, under the Privacy Act, Canadian citizens are entitled to copies of all information concerning them that is held in Federal government files including research databases. Prior to releasing requested information, the Directorate of Access to Information and Privacy (DAIP) screens the data to ensure that individual identities are not disclosed.

I understand that my participation is voluntary and that I am free to withdraw at any time. There are no known physical, economic or social risks to participation.

Name: _____ Date: _____

Signature: _____

Organization Development Research and Interview Questions

Research Question	Interview Question
1. How were the offices formed, introduced and implemented, and how was that influenced by principles of organizational change?	Please describe the history of how this office came into being, citing any significant events that may have played a part in its formation.
2. What goals have been established for the CM Program? How do they influence the structure and operation of the programs?	Please describe the terms of reference for this office including the nature of its mandate, the authority the office holds, and its reporting and accountability mechanisms.
	What functions does the office perform? How does the office structure enhance or detract from its ability to carry out those functions?
	What are the major obstacles or challenges the office faces? How does the office respond to those obstacles or challenges?
3. How does organizational culture affect the program? How does culture affect the DND/CF reaction to their implementation?	How has the parent organization responded or reacted to the implementation of this office?
4. How has the CM Program become institutionalized in the CF?	What have been the major accomplishments of the office?
	If you could change any aspect of the office or its environment, what would you change?
	To what extent has the office documented its policy and procedures?
	How are they developed and how are they maintained? To what extent are they applied in daily operations?
	What resources does the office have at its disposal? To what extent do the resources match the requirements?
	Are there any issues that are in your view significant that have not been covered in these questions?

Lettre d'information – Entrevue sur le développement organisationnel
Régler les différends : nouvelles démarches pour résoudre les conflits

dans les organisations de haute sécurité

But et objectifs

Vous êtes invité à participer à une enquête intitulée Régler les différends : nouvelles démarches employées dans les organisations de haute sécurité pour résoudre les conflits, menée par Norman Dolan. Je suis étudiant au doctorat à l'école d'administration publique de l'Université de Victoria, et le chercheur indépendant principal responsable de l'enquête. Si vous avez besoin de plus amples renseignements, vous pouvez communiquer avec moi par téléphone au 250-477-8506 ou par courriel à l'adresse njdolan@uvic.ca.

En ma qualité d'étudiant au doctorat et afin d'obtenir mon doctorat en philosophie dans le domaine de l'administration publique, je dois effectuer une recherche. Je me servirai de cette recherche pour rédiger ma thèse de doctorat qui sera supervisée par Evert Lindquist, Ph.D. Vous pouvez communiquer avec ce dernier par téléphone au 250-721-8084 ou par courriel à l'adresse evert@uvic.ca. La recherche a été approuvée par le MDN et les FC et parrainée par le Directeur-général – Modes alternatifs de résolution de conflits (DGMARC).

La présente enquête sera axée sur les systèmes de résolution de conflits employés dans le cadre du Programme de gestion de conflits (PGC) du ministère de la Défense nationale (MDN) et des Forces canadiennes (FC).

Importance de la recherche

Le domaine de la gestion des conflits au sein de la fonction publique est complexe et il existe peu de documents publics sur la question. Vos observations et votre expérience dans la gestion de services de cette nature sont essentielles pour mieux comprendre ce milieu.

L'information que vous fournirez contribuera grandement à atteindre les résultats suivants. D'abord, cette information récente permettra au Directeur-général – Modes alternatifs de résolution de conflits du MDN et des FC de gérer la qualité du service, d'attribuer des ressources et de procéder à un examen stratégique du programme. Deuxièmement, les données obtenues permettront de décrire les usages possibles des différents programmes selon divers types d'organisations et de proposer des méthodes pour évaluer leur efficacité en ce qui a trait à la résolution de conflits. Troisièmement, on étudiera les façons d'intégrer de nouveaux programmes dans des organisations aux cultures bien ancrées et où les répertoires des comportements sont bien enchâssés, et on repérera des stratégies de manière à accroître les chances de réussite. Enfin, la présente recherche contribuera à l'ensemble des connaissances générales dans les domaines du développement organisationnel et de la résolution de conflits.

Sélection des participants

Votre participation à la recherche est entièrement volontaire. Vous n'avez aucune obligation de participer en raison d'une affiliation professionnelle ou d'une association passée avec le chercheur. Vous êtes invité à participer à la présente enquête parce que vous possédez des connaissances et de l'expérience en matière de résolution de conflits, dans le secteur civil ou militaire. Vos connaissances et votre expérience sont essentielles compte tenu de la portée et de l'exhaustivité du projet de recherche et du rapport qui en découlera.

Ce qu'on attend de vous

Si vous acceptez de participer volontairement à la présente recherche, vous serez appelé à répondre à des questions sur votre expérience avec la gestion de conflit. Les questions porteront sur votre expérience relative au mode alternatif de règlement des conflits et sur vos suggestions en vue d'améliorer le service.

On vous demandera si vous acceptez que l'entrevue soit enregistrée sur magnétophone et que le chercheur enregistre l'entrevue. Si vous le souhaitez, une copie de l'enregistrement de l'entrevue vous sera remise. Si vous désirez participer à l'entrevue, mais que vous préférez que l'entrevue ne soit pas enregistrée, le chercheur devra prendre des notes durant l'entrevue. Votre participation à l'entrevue indiquera votre consentement. Toutefois, puisque votre participation est entièrement volontaire, vous pouvez refuser de répondre à n'importe quelle question.

Risques

On vous demandera de répondre à des questions qui ne concernent que votre expérience personnelle et vos observations en lien avec les programmes de résolution de conflits. Les questions seront limitées au sujet de la recherche et leur portée ne dépassera pas le cadre de votre expérience. Par conséquent, il est peu probable que votre participation entraîne des risques.

Avantages

En participant à la présente recherche, vous contribuerez grandement au rapport final mentionné précédemment. Le rapport comprendra des recommandations sur la conception et la gestion des programmes de gestion des conflits. De plus, votre apport au bagage de connaissances générales, par l'entremise des conclusions et du rapport, s'ajoutera au bloc de connaissances générales dont disposent les chercheurs et les spécialistes dans le domaine de la gestion de conflits.

Participation volontaire

Votre participation à la présente recherche doit être entièrement volontaire. Si vous acceptez de participer, vous pouvez décider de vous retirer à tout moment sans aucune conséquence ni explication. Si vous devez vous retirer de l'enquête pour quelque raison que ce soit, j'aimerais énormément que vous me fournissiez l'information que vous aurez

alors colligée pour que j'en tienne compte dans l'enquête. Toutefois, vous avez la liberté de retirer toute information que vous auriez communiquée, en tout temps et sans aucune conséquence, et ladite information sera détruite sans être utilisée durant l'enquête.

Respect de la vie privée et confidentialité

Tous les efforts seront déployés, y compris l'utilisation de numéros de code afin d'associer les données obtenues de chaque personne, afin de protéger la vie privée et la confidentialité de chaque personne qui participera à l'enquête. Il importe toutefois de préciser que des limites entravent le respect de la vie privée et la confidentialité. Puisque je dirigerai l'entrevue, je connaîtrai votre identité.

Les renseignements recueillis lors des entrevues personnelles demeureront confidentiels et on ne vous désignera ni par votre nom ni par l'organisation. On ne fera état que de résultats d'ensemble et tout renseignement susceptible de permettre l'identification de l'interrogé sera modifié afin de protéger votre anonymat. Les données recueillies seront gardées dans un ou des classeurs verrouillés et les fichiers informatiques seront sauvegardés dans mon bureau de Victoria et protégés par un mot de passe.

Diffusion des résultats

On s'attend à ce que les résultats de la présente enquête soient communiqués de différentes façons :

1. dans des rapports sommaires sur les données d'ensemble qui seront remis au DGMARC, le parrain de la recherche;
2. parmi les données utilisées pour rédiger la thèse de doctorat du chercheur;
3. parmi les données qui pourraient servir à rédiger des rapports devant paraître dans des publications scientifiques et spécialisées.

Élimination des données

Le projet de recherche s'achèvera avec la remise du rapport au CERSS et son acceptation par l'école d'administration publique et l'Université de Victoria. Une fois le projet de recherche achevé, les données recueillies dans le cadre de la présente enquête seront conservées en lieu sûr pendant trois années civiles et elles seront ensuite détruites.

Personnes-ressources

Personnes avec qui communiquer relativement à la présente enquête :

Norman Dolan
Chercheur principal
Numéro de téléphone : 250-477-8506
Courriel : njdolan@uvic.ca.

De plus, vous pouvez vérifier si la présente enquête a fait l'objet d'une approbation sur le plan de l'éthique, ou formuler toute préoccupation en communiquant avec le Human Research Ethics Office de l'Université de Victoria au 250-472-4545 ou à l'adresse ethics@uvic.ca.

**Formulaire de consentement : Entrevue sur le développement
organisationnel**
**Régler les différends : nouvelles démarches employées dans les
organisations de haute sécurité pour régler les conflits**

Chercheur principal : Norman Dolan
250-477-8506
njdolan@uvic.ca

**Numéro de l'approbation du Comité d'examen de la recherche en sciences sociales
(CERSS) #990/11-F.**

J'ai lu la lettre d'information et j'y ai trouvé toutes les réponses à mon entière satisfaction.

Je désire participer à la présente enquête et je suis au fait que la participation consiste à prendre part à une entrevue privée qui durera environ une heure. J'accepte que l'entrevue soit prise en compte dans le rapport final. Je comprends qu'aucun renseignement personnel permettant mon identification ne sera versé dans le rapport.

Je suis conscient qu'en vertu de la *Loi sur l'accès à l'information*, les citoyens canadiens ont le droit d'obtenir des exemplaires des rapports de recherche et des données expérimentales (y compris la base de données rattachée au présent projet) conservés dans les dossiers du gouvernement fédéral. Par ailleurs, en vertu de la *Loi sur la protection des renseignements personnels*, les citoyens canadiens ont le droit d'obtenir une copie de tous les renseignements les concernant qui sont conservés dans les dossiers du gouvernement fédéral, y compris les bases de données aux fins des recherches. Avant de divulguer l'information demandée, le personnel de la Direction de l'accès à l'information et de la protection des renseignements personnels (DAIPRP) examine les données afin de s'assurer que l'identité des personnes n'est pas divulguée.

Je comprends que ma participation est volontaire et que j'ai la liberté de me retirer en tout temps. La participation n'entraîne aucun risque physique, économique ou social connu.

Nom : _____ Date : _____

Signature : _____

Annexe A – Questions de recherche et d’entrevue sur le développement organisationnel

Relation entre le développement organisationnel et les objectifs de recherche

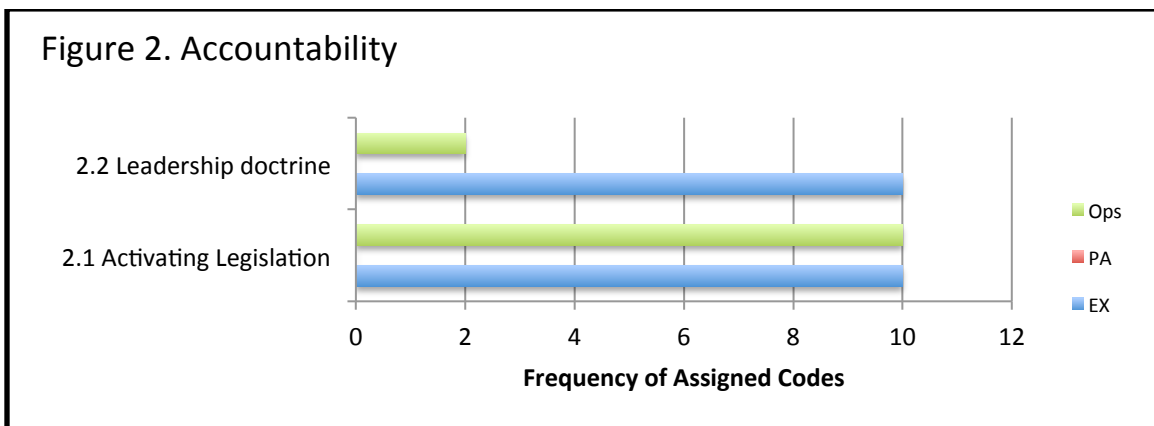
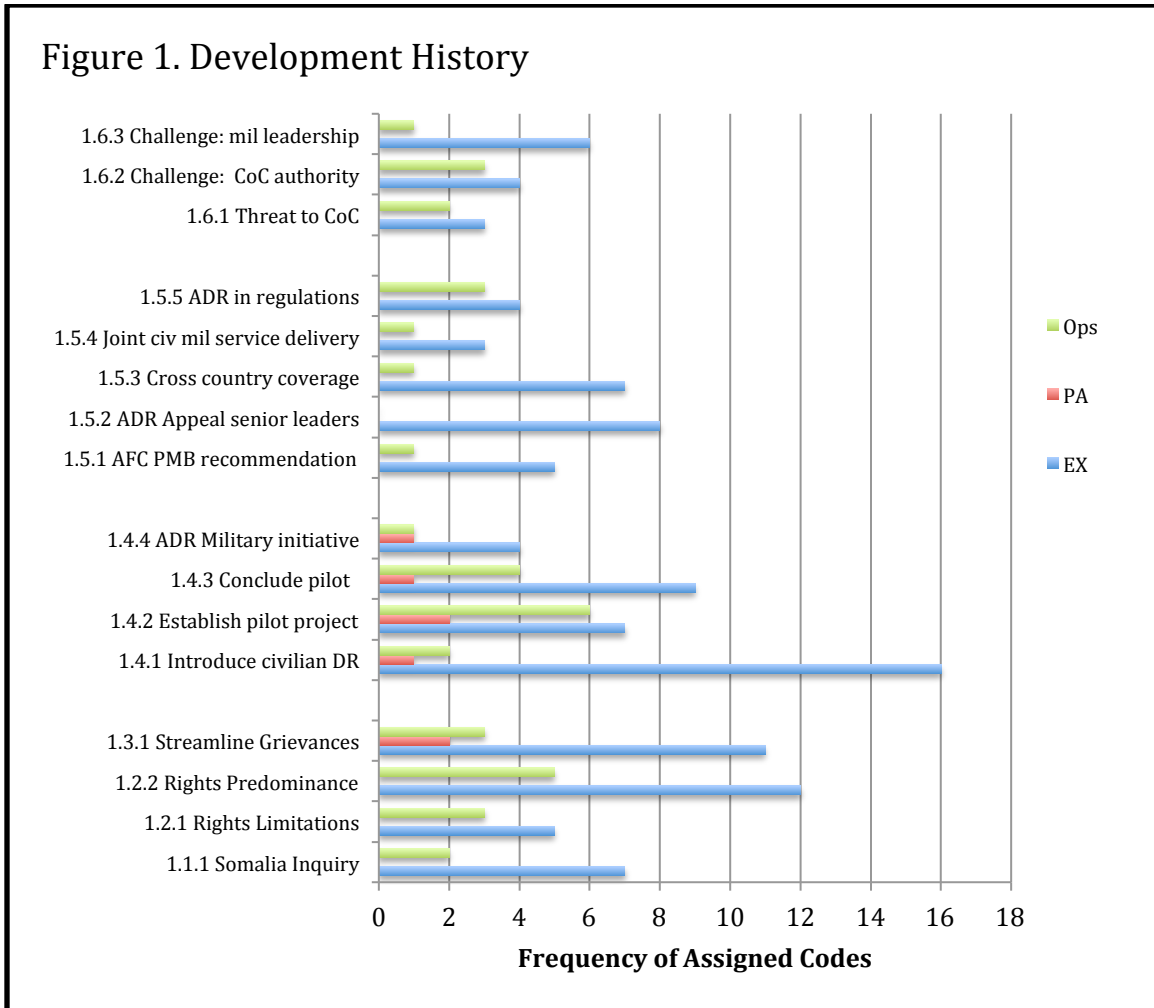
Questions de recherche	Questions d’entrevue
1. De quelle façon les bureaux ont-ils été créés, introduits et mis en place? Dans quelle mesure cette création a été influencée par les principes de changement organisationnel ?	Veillez expliquer la création de ce bureau, en soulignant les principaux événements qui ont joué un rôle dans sa formation.
2. Quels sont les objectifs du programme GC? Dans quelle mesure influencent-ils la structure et les activités d’opérations du programme?	Veillez décrire les pouvoirs de ce bureau, notamment la nature de son mandat, son autorité ainsi que ses mécanismes en matière de responsabilité et de rapports.
	Quelles sont les fonctions du bureau? Dans quelles mesures est-ce que la structure du bureau aide ou empêche le bureau à remplir ses fonctions?
	Quels sont les principaux obstacles ou défis auxquels le bureau doit faire face? Comment réagit le bureau face à ces obstacles ou défis?
3. De quelle façon est-ce que la culture organisationnelle affecte le programme? Dans quelle mesure est-ce que la culture a une incidence sur la réaction du MDN/FC à la mise en œuvre du programme?	Quelle a été la réaction de l’organisme d’attache lors de la création de ce bureau?
4. Comment le programme GC a-t-il été institutionnalisé au sein des FC?	Quelles sont les réussites les plus importantes du bureau?
	Si vous le pouviez, quel aspect du bureau ou de son environnement changeriez-vous?
	Dans quelle mesure est-ce que le bureau a documenté sa politique et ses procédures?
	Comment sont-elles élaborées et maintenues? Dans quelle mesure sont-elles appliquées aux activités quotidiennes?
	Quelles sont les ressources dont le bureau dispose? Dans quelle mesure ces ressources répondent-elles aux besoins?

	Y a-t-il d'autres sujets importants qui, selon vous, devraient être abordés dans ces questions?
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Appendix E: DGADR Interview Code Frequency

Figures 1 - 8 DGADR Interviews

Note: The following legend applies to all Appendix E Figures. Ops = Operation; PA = Policy Analysis; EX = Executive



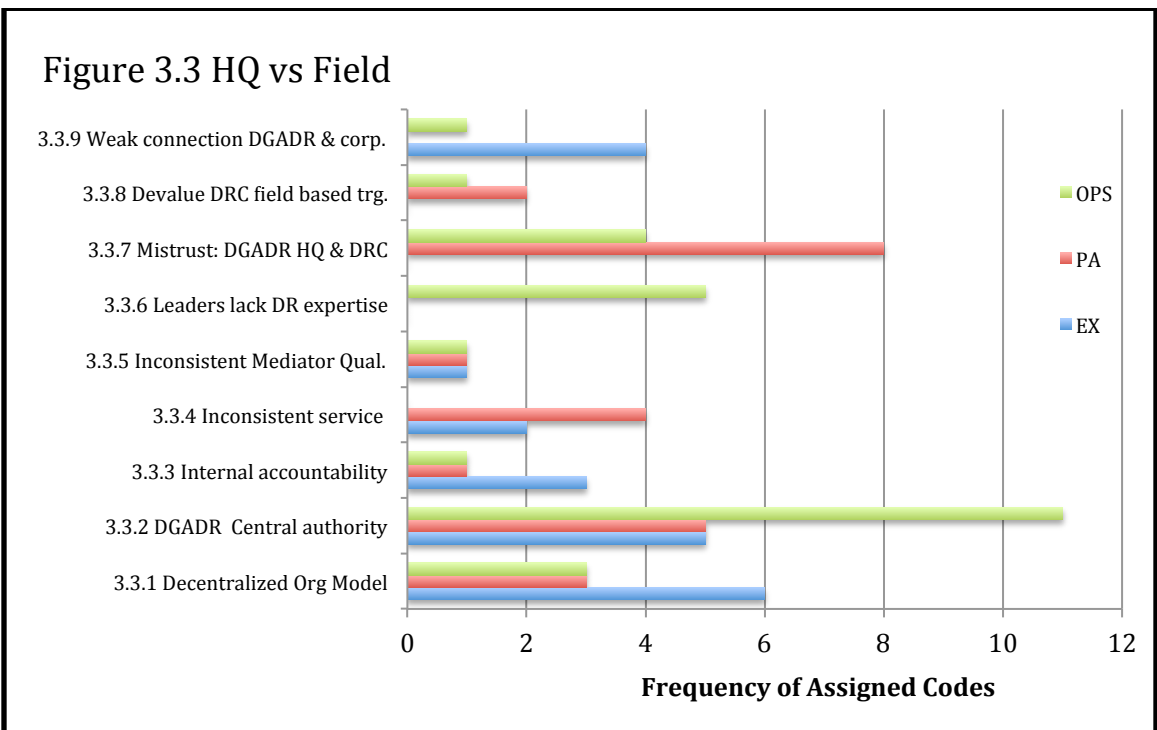
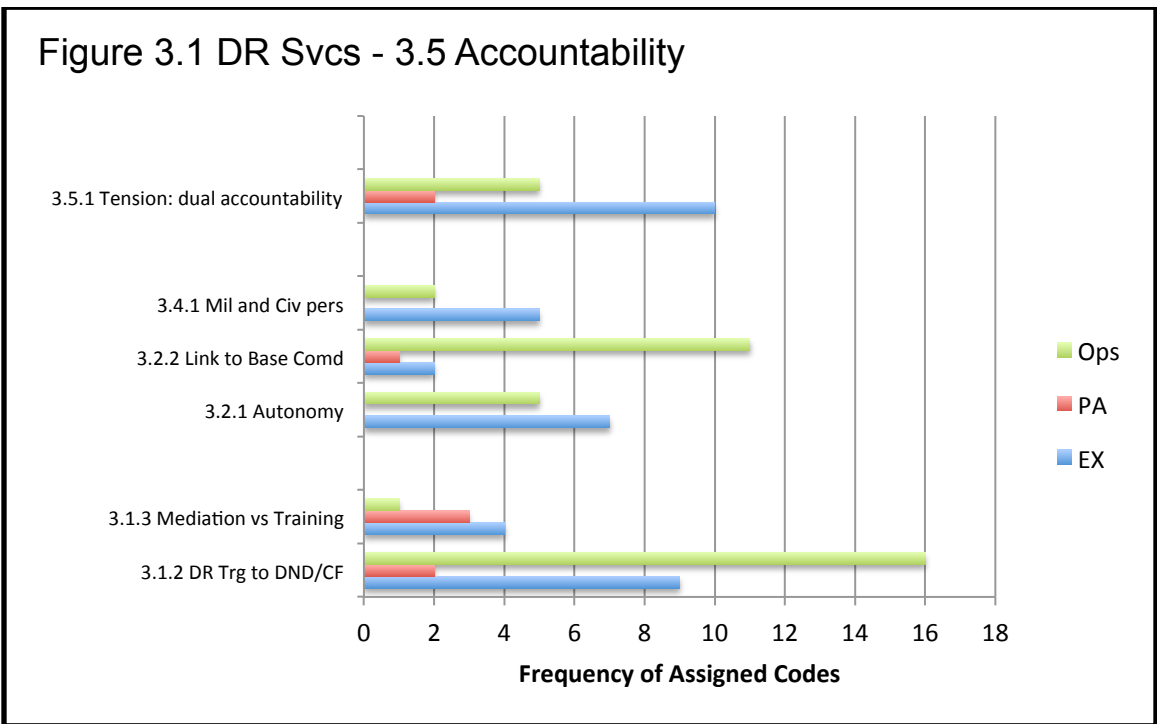


Figure 4.1 Resources - 4.2 Mandate

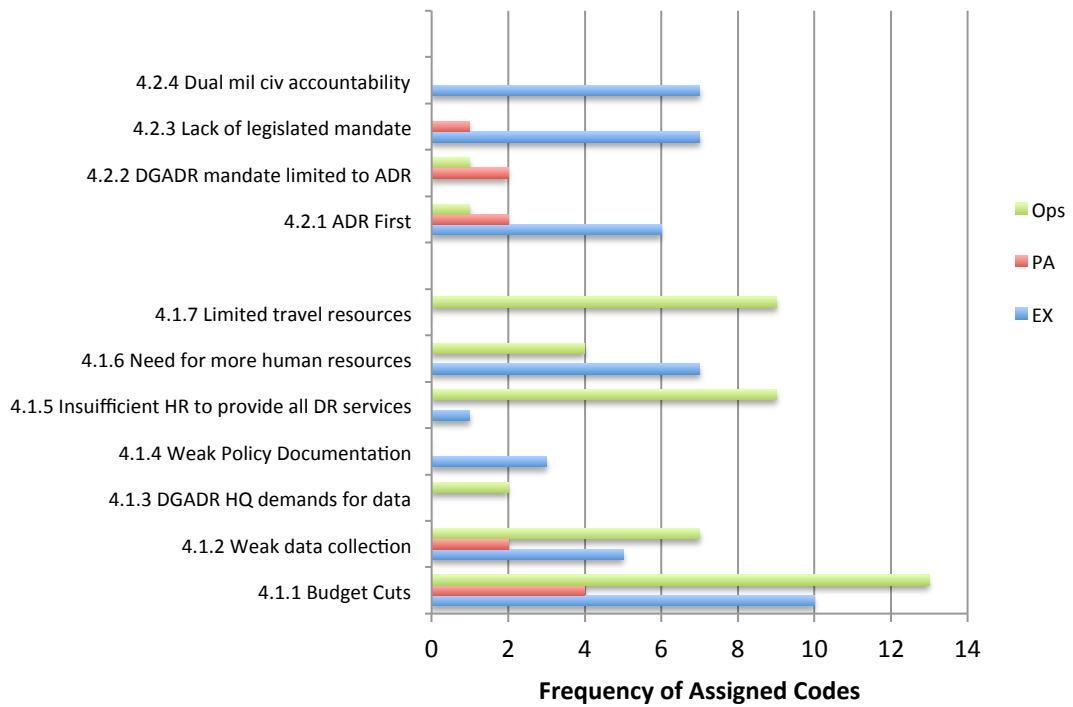


Figure 4.3 Culture Change

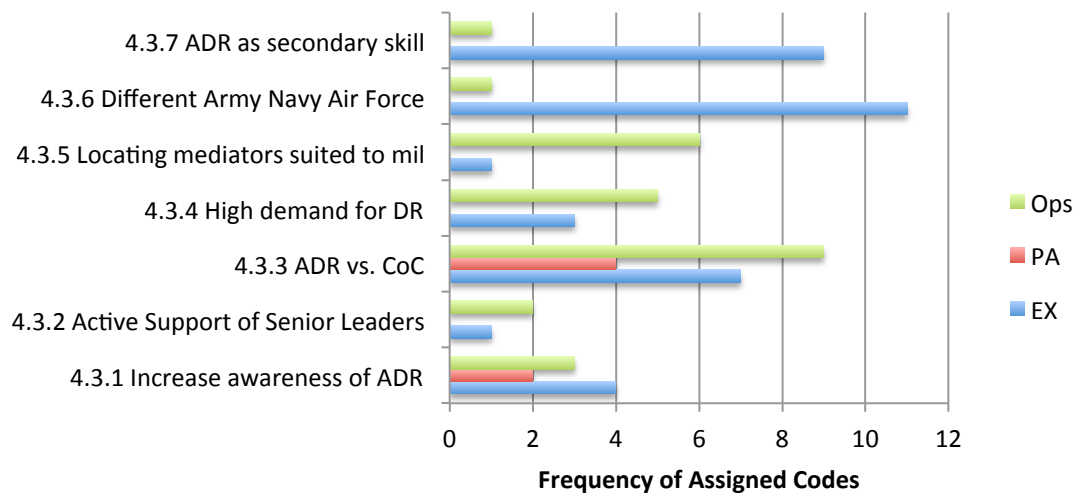


Figure 4.4 Pro D 4.5 Value 4.6 Service

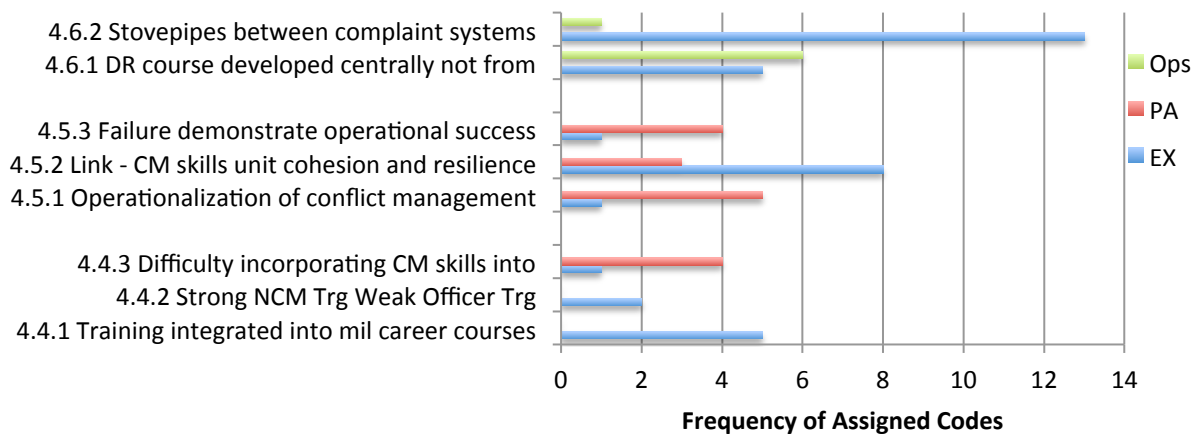


Figure 5. Environment Response

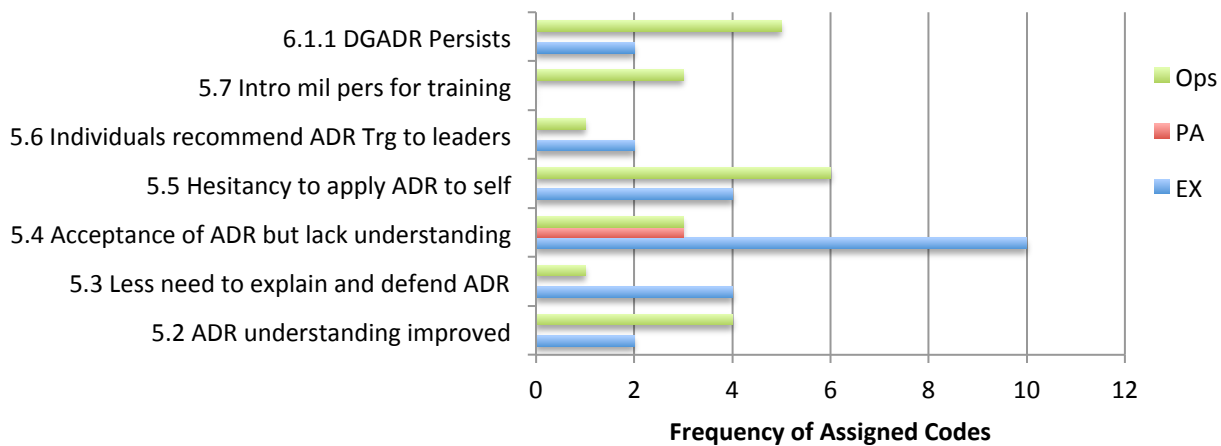


Figure 6.1 Persistence 6.2 DR training

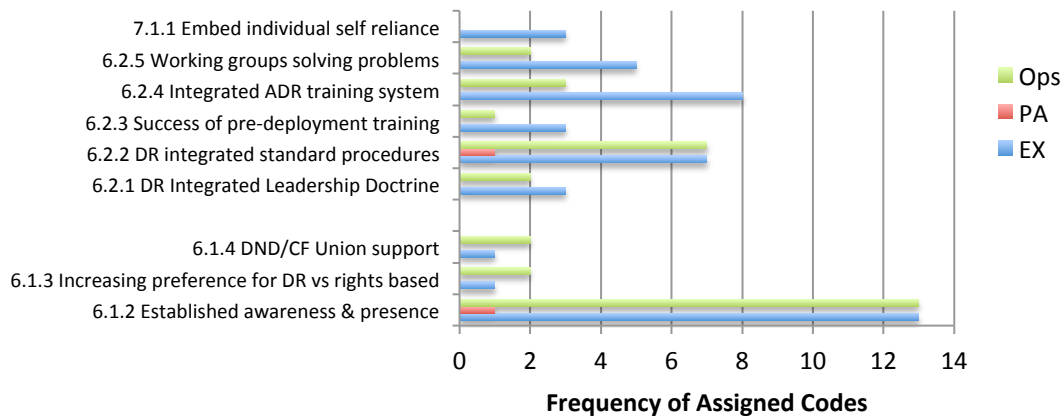


Figure 7. Desirable Change

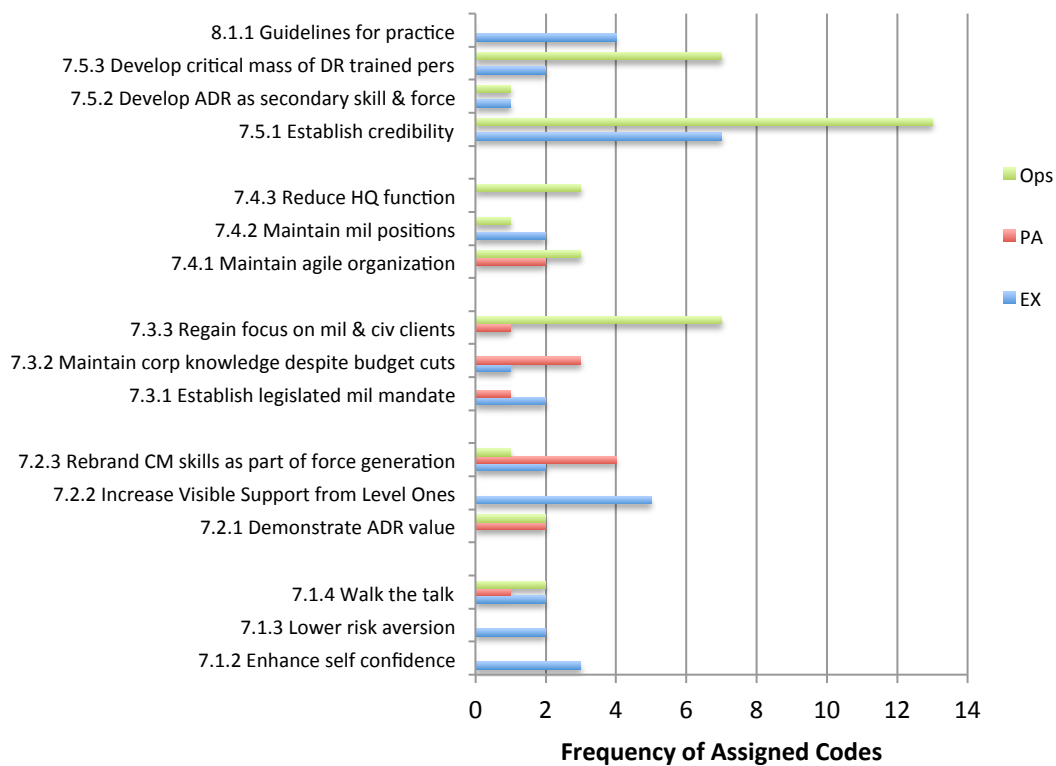
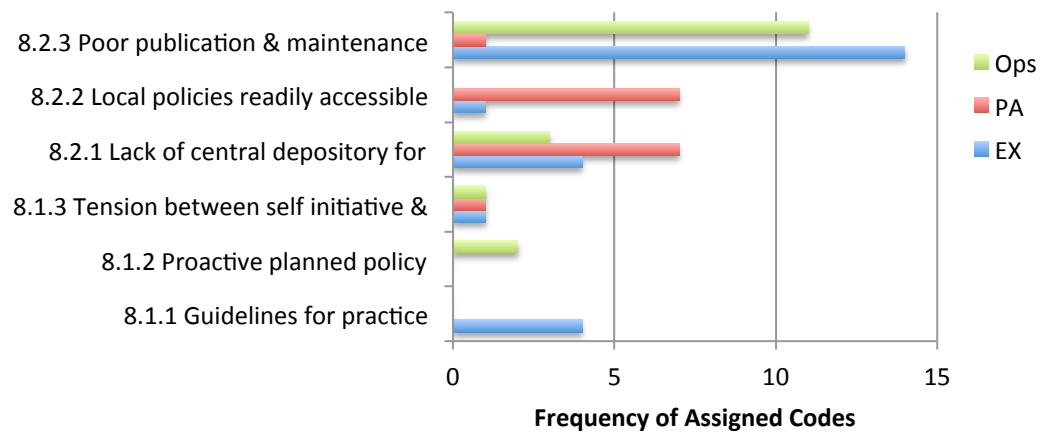


Figure 8. Improve Policy Dev. App. & Dist.



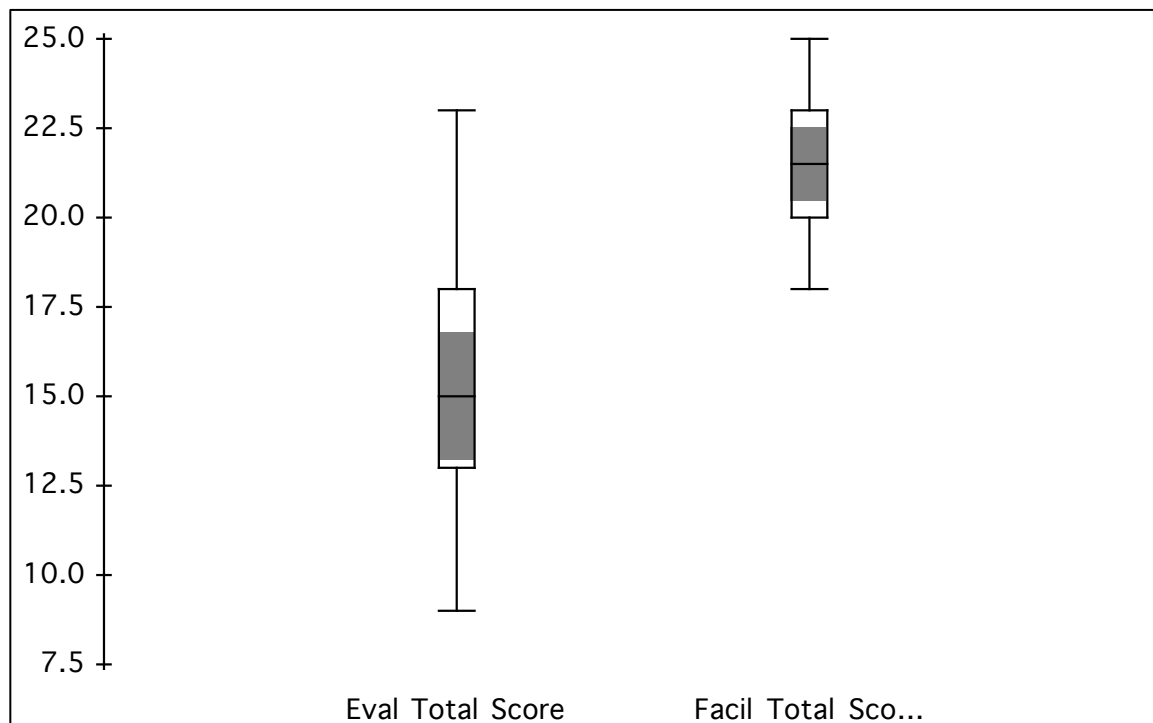
Appendix F: Mediator Style Survey Data Analysis Figures

Table 2
Preferred Mediation Style

Evaluative Statements	Strongly Disagree	Disagree	Neither Disagree nor Agree	Agree	Strongly Agree	Total Responses
1. I encourage the parties to focus on resolving the specific, presenting problems.	1 (5%)	1 (5%)	4 (20%)	10 (50%)	4 (20%)	20
3. The focus of the mediation session is on issues that are relevant to the presenting problem.	0 (0%)	3 (15%)	4 (20%)	9 (45%)	4 (20%)	20
6. My role is to help parties reach settlement on the presenting issues.	0 (0%)	4 (20%)	6 (30%)	7 (35%)	3 (15%)	20
8. I provide parties with direction as to the appropriate grounds for settlement.	4 (20%)	7 (35%)	6 (30%)	1 (5%)	2 (10%)	20
9. My principal strategy is to help parties understand the strengths and weaknesses of their positions.	5 (25%)	9 (45%)	3 (15%)	3 (15%)	0 (0%)	20
Facilitative Statements						
2. I prefer to look beyond the presenting issues in defining the problem to be resolved.	0 (0%)	0 (0%)	1 (5%)	8 (40%)	11 (55%)	20
4. The interests of the parties are more important to me than settling the case.	0 (0%)	0 (0%)	4 (20%)	7 (35%)	9 (45%)	20
5. I view the mediation as an opportunity to help the parties understand each other's perception of the dispute.	0 (0%)	0 (0%)	0 (0%)	7 (35%)	13 (65%)	20
7. Generally, parties understand their situations better than mediators.	0 (0%)	3 (15%)	6 (30%)	6 (30%)	5 (25%)	20
10. Developing options for settlement is the responsibility of the parties, not the mediator.	0 (0%)	0 (0%)	4 (20%)	6 (30%)	10 (50%)	20

Table 3
Evaluative and Facilitative Statements by Mean Standard Deviation and Variance

Evaluative Statements	Mean	SD	Min	Max
1. I encourage the parties to focus on resolving the specific, presenting problems.	3.8	1.02	1	5
3. The focus of the mediation session is on issues that are relevant to the presenting problem.	3.7	0.98	2	5
6. My role is to help parties reach settlement on the presenting issues.	3.5	1.0	2	5
8. I provide parties with direction as to the appropriate grounds for settlement.	2.5	1.19	1	5
9. My principal strategy is to help parties understand the strengths and weaknesses of their positions.	2.2	1.01	1	4
Facilitative Statements	Mean	SD	Min	Max
2. I prefer to look beyond the presenting issues in defining the problem to be resolved.	4.5	0.61	3	5
4. The interests of the parties are more important to me than settling the case.	4.2	0.79	3	5
5. I view the mediation as an opportunity to help the parties understand each other's perception of the dispute.	4.7	0.49	4	5
7. Generally, parties understand their situations better than mediators.	3.6	1.04	2	5
10. Developing options for settlement is the responsibility of the parties, not the mediator.	4.3	0.80	3	5

Figure 1***Box Plot Total Evaluative & Facilitative Scores*****Table 4*****Inter Item Correlations Facilitative Survey Items***

Pearson Product-Moment Correlation

Facilitative Survey Items

	Q 2	Q 4	Q 5	Q 7	Q 10
Q 2	1				
Q 4	-0.165	1			
Q 5	0.266	0.239	1		
Q 7	0.375	0.434	0.367	1	
Q 10	-0.325	0.459	0.282	0.006	1

Table 5
Facilitative Statements: Reliability
Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.539	.546	5

Table 6
Modified Inter Item Correlations Facilitative
Survey Items
Pearson Product-Moment

	Q 4	Q 5	Q 7	Q 10
Q 4	1.000	.239	.434	.459
Q 5	.239	1.000	.367	.282
Q 7	.434	.367	1.000	.006
Q 10	.459	.282	.006	1.000

Table 7
Modified Facilitative Statements
Reliability Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.595	.629	4

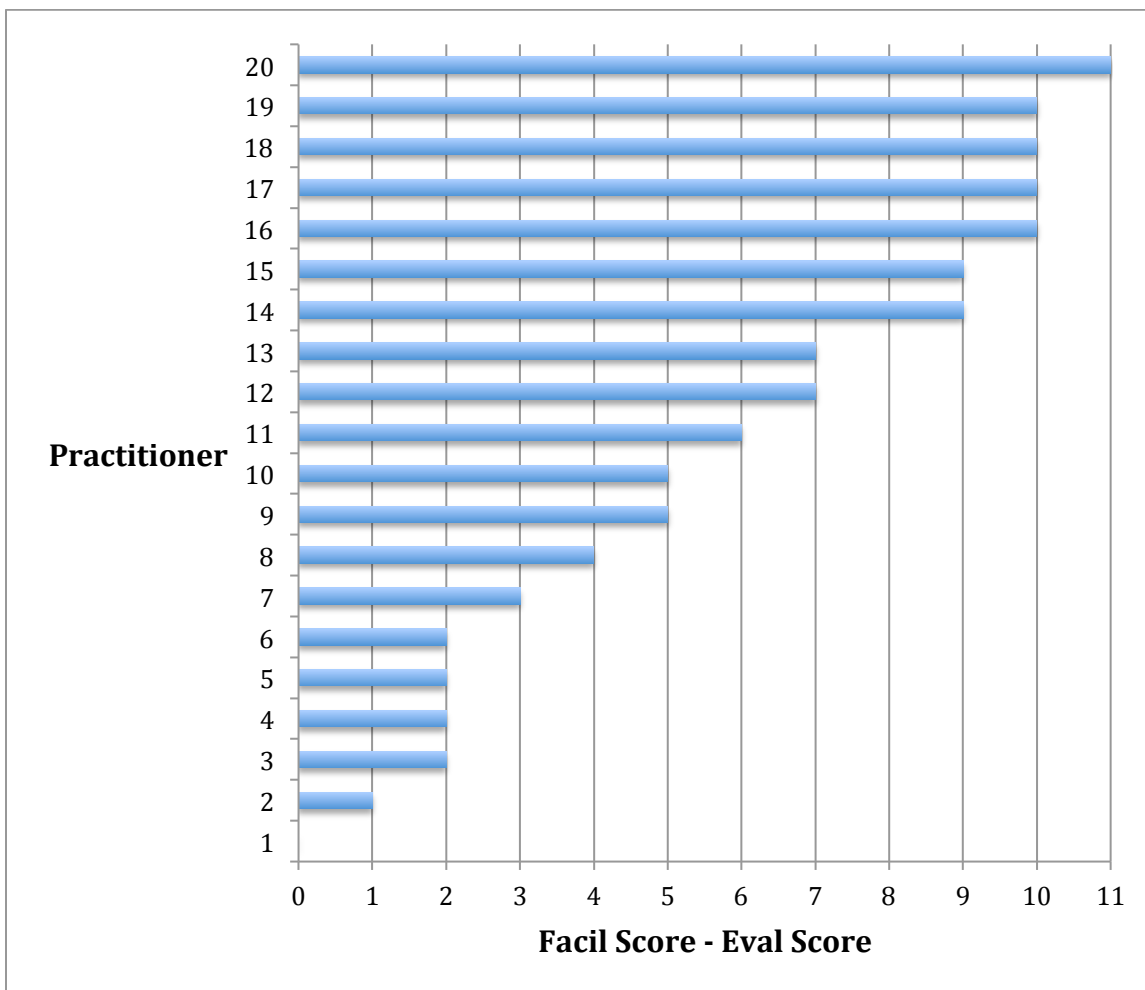
Table 8
Evaluative Survey Items
Reliability Statistics

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.736	.729	5

Table 9
Inter Item Correlations Evaluative Statements

Pearson Product-Moment Correlation
 Evaluative Survey Items

	Q 1	Q 3	Q 6	Q 8	Q 9
Q 1	1				
Q 3	0.554	1			
Q 6	0.220	0.253	1		
Q 8	0.411	0.451	0.464	1	
Q 9	0.154	0.011	0.273	0.703	1

Figure 2***Total Facilitative - Total Evaluative Scores by Practitioner***

Appendix G: Mediator Assessment Survey Data Analysis Figures

Table 1
Frequency breakdown of third-party Support

46 total cases of which 1 is missing		
Total Cases	45	
Number of Categories	2	
Group	Count	%
Yes	27	60.000
No	18	40.000

Table 2
Frequency breakdown of Third Party Support Type

46 total cases of which 23 are missing		
Total Cases	23	
Number of Categories	3	
Group	Count	%
Advocate	18	78.261
Other	4	17.391
Counsel	1	4.348

Table 3
Frequency breakdown Signed Minutes of Settlement

46 total cases of which 10 are missing		
Total Cases	36	
Number of Categories	2	
Group	Count	%
No	9	25.000
Yes	27	75.000

Table 4
Minutes of Settlement by Third Party Present

Third Party Present for either A or B			
Signed Minutes of Settlement	No	Yes	total
No	6	3	9
	40	14.3	25
Yes	9	18	27
	60	85.7	75
total	15	21	36
	100	100	100
table contents: Count Percent of Column Total 46 total cases; of which 10 are missing			
Chi-square = 3.086 with 1 df p = 0.0790			

Table 5
Party A Behaviours

	Completely Unimportant	Unimportant	Neither unimportant nor important	Important	Completely Important	Total Responses	Mean
Demonstrated Flexibility/Openness	1 (2%)	1 (2%)	2 (4%)	22 (49%)	19 (42%)	45	4.3
Maintained Focus on Mediation	1 (2%)	0 (0%)	3 (7%)	25 (56%)	16 (36%)	45	4.2
Indicated need for closure	1 (2%)	1 (2%)	5 (11%)	15 (34%)	22 (50%)	44	4.3
Demonstrated empathy	2 (5%)	1 (3%)	5 (14%)	21 (57%)	8 (22%)	37	3.9
Willing to listen to mediator	0 (0%)	1 (2%)	3 (7%)	23 (53%)	16 (37%)	43	4.3
Willing to listen to other party	0 (0%)	1 (2%)	0 (0%)	19 (43%)	24 (55%)	44	4.5
Willing to collaborate	0 (0%)	1 (2%)	2 (4%)	20 (44%)	22 (49%)	45	4.4
Expressed commitment to resolution	0 (0%)	1 (2%)	2 (4%)	20 (44%)	22 (49%)	45	4.4
Expressed remorse	2 (7%)	4 (14%)	9 (31%)	10 (34%)	4 (14%)	29	3.3
Expressed apology	2 (7%)	5 (17%)	7 (23%)	9 (30%)	7 (23%)	30	3.5
Demonstrated respect to respondent	0 (0%)	1 (2%)	0 (0%)	22 (50%)	21 (48%)	44	4.4
Competently presented case/problem	0 (0%)	1 (2%)	5 (11%)	25 (56%)	14 (31%)	45	4.2
Demonstrated creative problem solving	0 (0%)	0 (0%)	4 (11%)	29 (76%)	5 (13%)	38	4.0

Table 6
Party B Behaviours

	Completely Unimportant	Unimportant	Neither unimportant nor important	Important	Completely Important	Total Responses	Mean
Demonstrated Flexibility/Openness	0 (0%)	0 (0%)	3 (7%)	22 (50%)	19 (43%)	44	4.4
Maintained Focus on Mediation	0 (0%)	1 (2%)	2 (4%)	22 (49%)	20 (44%)	45	4.4
Indicated need for closure	0 (0%)	2 (5%)	4 (10%)	22 (55%)	12 (30%)	40	4.1
Demonstrated empathy	0 (0%)	2 (5%)	10 (24%)	19 (46%)	10 (24%)	41	3.9
Willing to listen to mediator	0 (0%)	1 (2%)	1 (2%)	26 (59%)	16 (36%)	44	4.3
Willing to listen to other party	0 (0%)	1 (2%)	0 (0%)	18 (40%)	26 (58%)	45	4.5
Willing to collaborate	0 (0%)	1 (2%)	0 (0%)	23 (51%)	21 (47%)	45	4.4
Expressed commitment to resolution	0 (0%)	1 (2%)	3 (7%)	17 (38%)	24 (53%)	45	4.4
Expressed remorse	2 (6%)	3 (9%)	9 (28%)	8 (25%)	10 (31%)	32	3.7
Expressed apology	2 (5%)	4 (11%)	12 (32%)	8 (22%)	11 (30%)	37	3.6
Demonstrated respect to respondent	0 (0%)	1 (2%)	2 (4%)	18 (40%)	24 (53%)	45	4.4
Competently presented case/problem	0 (0%)	1 (2%)	5 (11%)	21 (47%)	18 (40%)	45	4.2
Demonstrated creative problem solving	0 (0%)	0 (0%)	2 (5%)	25 (57%)	17 (39%)	44	4.3

Table 7
Party A & B Behaviours Combined Means

Variable	Total Cases	Count	Mean
Open	46	45	4.1
Focus	46	45	4.1
Closure	46	44	4.0
Empathy	46	41	3.7
Listen Med	46	44	4.2
Listen Other	46	45	4.4
Collaborate	46	45	4.3
Commit	46	45	4.2
Remorse	46	34	3.5
Apology	46	39	3.6
Respect Other	46	45	4.3
Competent	46	45	4.0
Creative	46	44	4.0

Table 8
Minutes of Settlement by Openness

	Demonstrated Flexibility/Openness				
	1	3	4	5	total
Signed Minutes					
No	0	4	4	1	9
	0	66.7	23.5	9.09	25.7
Yes	1	2	13	10	26
	100	33.3	76.5	90.9	74.3
total	1	6	17	11	35
	100	100	100	100	100
table contents:					
Count					
Percent of Column Total					
46 total cases of which 11 are missing					
Chi-square = 7.248 with 3 df					
p = 0.0644					

Table 9
Minutes of Settlement by Listen to Mediator

Signed Minutes	Willing to Listen to Mediator				
	2	3	4	5	total
1	0	0	9	0	9
	0	0	40.9	0	26.5
2	1	2	13	9	25
	100	100	59.1	100	73.5
total	1	2	22	9	34
	100	100	100	100	100

table contents:
Count
Percent of Column Total
46 total cases of which 12 are missing

Chi-square = 6.676 with 3 df
p = 0.0830

Table 10
Minutes of Settlement by Listen to Other

	Willing to Listen to Other Party			
	2	4	5	total
Signed Minutes				
No	0	8	1	9
	0	40	7.14	25.7
Yes	1	12	13	26
	100	60	92.9	74.3
total	1	20	14	35
	100	100	100	100
table contents:				
Count				
Percent of Column Total				
46 total cases of which 11 are missing				
Chi-square = 5.011 with 2 df				
p = 0.0816				

Table 11
Mediator's Behaviour Assessment

	Completely Unimportant	Unimportant	Neither unimportant nor important	Important	Completely Important	Total Responses	Mean
Listened	0 (0%)	1 (2%)	0 (0%)	16 (36%)	28 (62%)	45	4.6
Used probing questions	0 (0%)	1 (2%)	0 (0%)	13 (30%)	30 (68%)	44	4.6
Helped parties see different vantage points	0 (0%)	1 (2%)	3 (7%)	19 (44%)	20 (47%)	43	4.3
Clarified facts/areas of agreement	0 (0%)	1 (2%)	2 (4%)	16 (36%)	26 (58%)	45	4.5
Defused negative emotions	0 (0%)	4 (10%)	10 (24%)	14 (33%)	14 (33%)	42	3.9
Facilitated catharsis	2 (5%)	2 (5%)	13 (31%)	15 (36%)	10 (24%)	42	3.7
Encouraged openness, honesty and direct communication	0 (0%)	1 (2%)	2 (4%)	17 (38%)	25 (56%)	45	4.5
Kept parties focused	0 (0%)	1 (2%)	3 (7%)	22 (50%)	18 (41%)	44	4.3
Encouraged resolution	0 (0%)	1 (2%)	4 (10%)	18 (44%)	18 (44%)	41	4.3
Gained trust/rapport	0 (0%)	1 (2%)	1 (2%)	11 (24%)	32 (71%)	45	4.6
Stepped back/Let parties resolve the dispute	0 (0%)	1 (2%)	3 (7%)	19 (45%)	19 (45%)	42	4.3
Evaluated the strengths and or weaknesses of a claim or position	7 (19%)	2 (5%)	11 (30%)	10 (27%)	7 (19%)	37	3.2
Provided knowledge of the process	2 (4%)	2 (4%)	1 (2%)	16 (36%)	24 (53%)	45	4.3

		Table 11 Continued					
	Completely Unimportant	Unimportant	Neither unimportant nor important	Important	Completely Important	Total Responses	Mean
Proposed options	17 (47%)	5 (14%)	5 (14%)	8 (22%)	1 (3%)	36	2.2
Explored options	0 (0%)	2 (5%)	4 (10%)	18 (46%)	15 (38%)	39	4.2
Negotiated with one or more parties	10 (29%)	2 (6%)	7 (20%)	12 (34%)	4 (11%)	35	2.9
Remained calm	0 (0%)	1 (2%)	1 (2%)	17 (40%)	24 (56%)	43	4.5
Expressed empathy	2 (5%)	1 (2%)	2 (5%)	20 (45%)	19 (43%)	44	4.2
Persisted	5 (12%)	1 (2%)	6 (15%)	16 (40%)	12 (30%)	40	3.7
Remained neutral	0 (0%)	1 (2%)	0 (0%)	14 (31%)	30 (67%)	45	4.6
Remained optimistic	0 (0%)	1 (2%)	2 (5%)	20 (47%)	20 (47%)	43	4.4
Demonstrated creativity	2 (6%)	0 (0%)	7 (20%)	17 (49%)	9 (26%)	35	3.9
Used caucuses effectively	9 (26%)	4 (12%)	10 (29%)	4 (12%)	7 (21%)	34	2.9
Avoided caucuses	8 (26%)	4 (13%)	14 (45%)	3 (10%)	2 (6%)	31	2.6
Used facilitative tactics or strategies	1 (2%)	2 (5%)	7 (17%)	15 (37%)	16 (39%)	41	4.0
Used evaluative tactics or strategies	10 (29%)	2 (6%)	11 (32%)	6 (18%)	5 (15%)	34	2.8
Prepared parties well at the pre mediation stage	0 (0%)	1 (2%)	0 (0%)	16 (38%)	25 (60%)	42	4.5

Table 12
Minutes of Settlement by Mediator Used Probing Questions

Levels of Mediator Probe				
	2	4	5	total
Signed Minutes				
No	1	4	3	8
	100	40	12.5	22.9
Yes	0	6	21	27
	0	60	87.5	77.1
Total	1	10	24	35
	100	100	100	100
table contents: Count Percent of Column Total 46 total cases of which 11 are missing				
Chi-square = 6.502 with 2 df p = 0.0387				

Table 13
Minutes of Settlement by Mediator Used Facilitative Tactics or Strategies

Mediator Used Facilitative Strategies						
	1	2	3	4	5	total
Signed Minutes						
No	1	1	3	1	2	8
	100	50	50	9.09	14.3	23.5
Yes	0	1	3	10	12	26
	0	50	50	90.9	85.7	76.5
Total	1	2	6	11	14	34
	100	100	100	100	100	100
table contents: Count Percent of Column Total 46 total cases of which 12 are missing						
Chi-square = 8.305 with 4 df p = 0.0810						

Table 14
Minutes of Settlement by Mediator Persisted

Mediator Persisted						
Signed Minutes	1	2	3	4	5	total
No	2	1	2	1	2	8
	66.7	100	40	9.09	18.2	25.8
Yes	1	0	3	10	9	23
	33.3	0	60	90.9	81.8	74.2
Total	3	1	5	11	11	31
	100	100	100	100	100	100
table contents: Count Percent of Column Total 46 total cases of which 15 are missing						
Chi-square = 7.956 with 4 df p = 0.0932						

Table 15
Minutes of Settlement by Mediator Encouraged Resolution

Mediator Encouraged Resolution					
	2	3	4	5	total
Signed Minutes					
No	1	3	1	3	8
	100	75	7.69	21.4	25
Yes	0	1	12	11	24
	0	25	92.3	78.6	75
total	1	4	13	14	32
	100	100	100	100	100
table contents: Count Percent of Column Total 46 total cases of which 14 are missing					
Chi-square = 10.51 with 3 df p = 0.0147					

Table 16
Minutes of Settlement by Mediator Used Caucuses Effectively

Mediator Used Caucuses						
	1	2	3	4	5	total
Signed Minutes						
No	1	2	2	2	0	7
	20	100	25	50	0	26.9
Yes	4	0	6	2	7	19
	80	0	75	50	100	73.1
Total	5	2	8	4	7	26
	100	100	100	100	100	100
table contents: Count Percent of Column Total 46 total cases of which 20 are missing						
Chi-square = 9.277 with 4 df p = 0.0557						

Table 17
 Minutes of Settlement by Mediator Used Caucuses Effectively, Recode

Mediator Used Caucuses Recode			
	HIGH	LOW	MISSING
Signed Minutes			
No	2	4	3
	18.2	40	20
Yes	9	6	12
	81.8	60	80
table contents: Count Percent of Column Total 46 total cases of which 10 are missing			
Chi-square = 1.673 with 2 df p = 0.4333			

Table 18
Mediator Suggestions For Process Improvement

	Completely Unimportant	Unimportant	Neither unimportant nor important	Important	Completely Important	Total Responses	Mean
Prior to mediation, ensure suitability of dispute for mediation	0 (0%)	1 (3%)	2 (6%)	13 (36%)	20 (56%)	36	4.4
Prior to mediation, ensure both parties' willingness to compromise	2 (6%)	0 (0%)	6 (18%)	12 (35%)	14 (41%)	34	4.1
Prior to mediation, ensure parties bring / send representatives with authority to settle	1 (3%)	2 (6%)	7 (20%)	12 (34%)	13 (37%)	35	4.0
Educate parties to ensure willingness to discuss ALL issues	0 (0%)	4 (11%)	4 (11%)	12 (33%)	16 (44%)	36	4.1
Educate parties to ensure willingness to discuss ALL settlement options	2 (6%)	2 (6%)	4 (11%)	14 (39%)	14 (39%)	36	4.0
Fewer support persons at mediation	5 (16%)	5 (16%)	20 (62%)	2 (6%)	0 (0%)	32	2.6
Exclude non-legal support persons	13 (42%)	2 (6%)	14 (45%)	2 (6%)	0 (0%)	31	2.2
Provide case information to mediators earlier	3 (10%)	4 (13%)	19 (63%)	4 (13%)	0 (0%)	30	2.8
Provide better caucus space	3 (10%)	4 (13%)	19 (63%)	4 (13%)	0 (0%)	30	2.8
Provide better clerical help	4 (13%)	4 (13%)	21 (70%)	0 (0%)	1 (3%)	30	2.7
Ensure better timing of mediation	2 (6%)	1 (3%)	20 (62%)	6 (19%)	3 (9%)	32	3.2
Provide more training for mediators	3 (10%)	3 (10%)	10 (34%)	12 (41%)	1 (3%)	29	3.2
Facilitate dialogue & interaction among mediators to strategize on tough cases	1 (3%)	0 (0%)	8 (26%)	17 (55%)	5 (16%)	31	3.8
Provide improved training on process related issues	3 (10%)	2 (6%)	13 (42%)	12 (39%)	1 (3%)	31	3.2
Provide training for repeat respondents	3 (9%)	1 (3%)	13 (39%)	11 (33%)	5 (15%)	33	3.4
Provide parties with a checklist for the generation of options	10 (33%)	1 (3%)	15 (50%)	4 (13%)	0 (0%)	30	2.4

Provide mediators with a checklist for the generation of options	12 (40%)	3 (10%)	14 (47%)	1 (3%)	0 (0%)	30	2.1
Provide standardized settlement agreement text	7 (20%)	1 (3%)	13 (37%)	12 (34%)	2 (6%)	35	3.0
Provide more time for mediation	7 (24%)	2 (7%)	17 (59%)	3 (10%)	0 (0%)	29	2.6

Appendix H: Parties to Mediation Survey Data Analysis Figures

Table 1***Element or civilian classification***





Response	Chart	Percentage	Count
Navy		10%	7
Army		25%	17
Air Force		12%	8
Civilian		52%	35
	Total Responses		67

Table 2***Age group***





Response	Chart	Percentage	Count
20- 30		12%	8
31 - 49		65%	43
50 - 59		20%	13
60 - 70		3%	2
	Total Responses		66

Table 3
Procedural-Process Justice

	1 Very Dissatisfied	2 Dissatisfied	3 Neither dissatisfied nor satisfied	4 Satisfied	5 Very Satisfied	Total	Mean	SD	Range
How satisfied are you with the quality of information you received about the process before participating in mediation?	2 (2.99%)	0 (0.00%)	1 (1.49%)	29 (43.28%)	35 (52.24%)	67	4.42	0.80	4
How satisfied are you with the amount of control you had over the mediation?	2 (3.03%)	0 (0.00%)	6 (9.09%)	27 (40.91%)	31 (46.97%)	66	4.29	0.87	4
How satisfied are you with the opportunity to present your side of the dispute?	2 (2.99%)	1 (1.49%)	4 (5.97%)	21 (31.34%)	39 (58.21%)	67	4.40	0.90	4
How satisfied are you with the fairness of the mediation?	2 (2.99%)	0 (0.00%)	3 (4.48%)	24 (35.82%)	38 (56.72%)	67	4.43	0.84	4
How satisfied are you with how much you got to participate in the mediation?	2 (3.03%)	0 (0.00%)	2 (3.03%)	23 (34.85%)	39 (59.09%)	66	4.47	0.83	4
How satisfied are you with the mediator's explanation of the process and the ground rules?	2 (2.99%)	0 (0.00%)	0 (0.00%)	17 (25.37%)	48 (71.64%)	67	4.63	0.78	4

Table 4
Procedural-Process Justice Construct Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.96	.96	6

Table 5
Procedural –Mediator Justice

	1 Very Dissatisfied	2 Dissatisfied	3 Neither dissatisfied nor satisfied	4 Satisfied	5 Very Satisfied	Total Responses	Mean	SD	Range
How satisfied are you with the amount of respect the mediator gave you?	0 (0.00%)	1 (1.49%)	1 (1.49%)	12 (17.91%)	53 (79.10%)	67	4.75	0.56	3
How satisfied are you with the impartiality of the mediator?	0 (0.00%)	0 (0.00%)	3 (4.48%)	11 (16.42%)	53 (79.10%)	67	4.75	0.53	2
How satisfied are you with the fairness of the mediator?	0 (0.00%)	0 (0.00%)	1 (1.49%)	13 (19.40%)	53 (79.10%)	67	4.78	0.45	2
How satisfied are you with the mediator's performance overall?	0 (0.00%)	0 (0.00%)	1 (1.49%)	15 (22.39%)	51 (76.12%)	67	4.75	0.47	2

Table 6
Procedural –Mediator Justice Construct Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.95	.95	4

Table 7
Informational Justice

	1 Strongly Disagree	2 Disagree	3 Neither disagree nor agree	4 Agree	5 Strongly Agree	Total Responses	Mean	SD	Range
The mediator told you the strengths and weaknesses of the case	5 (7.46%)	13 (19.40%)	19 (28.36%)	17 (25.37%)	13 (19.40%)	67	3.3	1.21	4
The mediator facilitated the development of realistic options	1 (1.49%)	2 (2.99%)	14 (20.90%)	31 (46.27%)	19 (28.36%)	67	3.97	0.86	4
The mediator pressed you to accept a resolution you were uncomfortable with	36 (54.55%)	15 (22.73%)	5 (7.58%)	4 (6.06%)	6 (9.09%)	66	1.92	1.30	4

Table 8
Informational Justice: Reliability: All Statements

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.60	.62	3

Table 9
Informational Justice: Reliability: Two Statements

	Scale Mean Item Deleted	Scale Variance Item Deleted	Corrected Item-Total Correlation	Squared Multiple Correlation	Cronbach's Alpha Item Deleted
Mediator Evaluated Case	5.88	2.724	.586	.427	.198
Mediator Facilitated Options	5.20	4.222	.420	.357	.515
Mediator Pressed	7.23	3.409	.282	.133	.719

Table 10
Interpersonal Disputant-Disputant Justice

	Strongly Disagree	Disagree	Neither disagree nor agree	Agree	Strongly Agree	Total Responses	Mea n	SD	Range
The other person listened to your views	0 (0.00%)	5 (7.58%)	5 (7.58%)	38 (57.58%)	18 (27.27%)	66	4.05	0.81	3
The other person learned something new about your point of view	0 (0.00%)	3 (4.62%)	11 (16.92%)	34 (52.31%)	17 (26.15%)	65	4.00	0.79	3
You learned something new about the other person's point of view	0 (0.00%)	5 (7.58%)	12 (18.18%)	31 (46.97%)	18 (27.27%)	66	3.94	0.87	3
The other person acknowledged as legitimate your perspective, views or interests	1 (1.52%)	6 (9.09%)	12 (18.18%)	33 (50.00%)	14 (21.21%)	66	3.80	0.93	4
You acknowledged as legitimate the other person's perspective, views or interests	0 (0.00%)	1 (1.52%)	9 (13.64%)	43 (65.15%)	13 (19.70%)	66	4.03	0.63	3

Table 11
Interpersonal Disputant-Disputant Justice: Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.85	.85	5

Table 12
Interpersonal Disputant-Mediator Justice

	1 Strongly Disagree	2 Disagree	3 Neither disagree nor agree	4 Agree	5 Strongly Agree	Total Responses	Mean	SD	Range
The mediator helped you clarify what your goals and/or choices were	0 (0.00%)	2 (2.99%)	14 (20.90%)	23 (34.33%)	28 (41.79%)	67	4.15	0.86	3
The mediator helped you understand the other person's viewpoint	0 (0.00%)	4 (5.97%)	15 (22.39%)	31 (46.27%)	17 (25.37%)	67	3.91	0.85	3
The mediator helped the other person understand your viewpoint	0 (0.00%)	4 (5.97%)	17 (25.37%)	26 (38.81%)	20 (29.85%)	67	3.93	0.89	3

Table 13
Interpersonal Disputant-Mediator Justice: Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.78	.78	3

Table 14
Distributive Justice

	1 Very Dissatisfied	2 Dissatisfied	3 Neither Dissatisfied nor Satisfied	4 Satisfied	5 Very Satisfied	Total Responses	Mean	SD	Range
How satisfied are you with the overall outcome of the mediation?	1 (1.52%)	3 (4.55%)	9 (13.64%)	26 (39.39%)	27 (40.91%)	66	4.14	0.93	4
How satisfied are you with the fairness of the outcome?	1 (1.52%)	0 (0.00%)	11 (16.67%)	27 (40.91%)	27 (40.91%)	66	4.2	0.83	4
How satisfied are you with the control you had over the outcome?	0 (0.00%)	1 (1.52%)	9 (13.64%)	30 (45.45%)	26 (39.39%)	66	4.23	0.74	3

Table 15
Distributive Justice: Reliability

Cronbach's Alpha	Cronbach's Alpha Based on Standardized Items	N of Items
.87	.87	3

Table 16
Minutes of settlement


Response	Chart	Percentage	Count
Yes		80%	53
No		20%	13
Total Responses			66

Table 17
Satisfaction with minutes of settlement

	1 Very Dissatisfied	2 Dissatisfied	3 Neither Dissatisfied nor Satisfied	4 Satisfied	5 Very Satisfied	Total Responses	Mean	SD	Range
How satisfied were you with the minutes of settlement?	0 (0.00%)	1 (1.92%)	4 (7.69%)	22 (42.31%)	25 (48.08%)	52	4.37	0.71	3

Table 18
Progress



Response	Chart	Percentage	Count
Yes		85%	11
No		15%	2
Total Responses			13

Table 19
Impact on relationship

	1 Strongly Disagree	2 Disagree	3 Neither Disagree nor Agree	4 Agree	5 Strongly Agree	Total Responses	Mean	SD	Range
The mediation helped your relationship with the other party	0 (0.00%)	4 (6.67%)	23 (38.33%)	21 (35.00%)	12 (20.00%)	60	3.68	0.87	3

Table 20
Recommendations

	1 Strongly Disagree	2 Disagree	3 Neither disagree nor agree	4 Agree	5 Strongly Agree	Total Responses	Mean	SD	Range
I would recommend the mediation program to someone else to resolve a dispute	1 (1.49%)	1 (1.49%)	3 (4.48%)	16 (23.88%)	46 (68.66%)	67	4.57	0.78	4
If I were involved in a dispute in the future, I would use the mediation program again	0 (0.00%)	1 (1.49%)	7 (10.45%)	19 (28.36%)	40 (59.70%)	67	4.46	0.75	3

Table 21
Unexplored Aspects of Mediation



Response	Chart	Percentage	Count
Yes		14%	9
No		86%	57
Total Responses			66

Table 22
Regression Analysis Summary

	Minutes of Settlement ¹	Satisfaction with Minutes	Impact on Relationship	Recommend CMP	Use CMP Again
Procedural - Process	R ² = .01 p = .41	R ² = .161** p = .003	R ² = .133** F=1, 56 p = .005	R ² = .013 p = .372	R ² = .012 p = .393
Procedural – Mediator	R ² = .016 p = .539	R ² = .31*** F=1, 58 p = ≤.0001	R ² = .094* F=1, 58 p = .017	R ² = .255*** F=1, 65 p = ≤.0001	R ² = .318*** F=1, 65 p = ≤.0001
Information	R ² = .015 p = .327	R ² = .002 p = .733	R ² = .006 p = .570	R ² = .001 p = .434	R ² = 0 p = .880
Interpersonal Disputant – Disputant	R ² = .036 p = .131	R ² = .110* F=1, 49 p = .018	R ² = .168** F=1, 57 p = .001	R ² = .041 p = .104	R ² = .013 p = .364
Interpersonal Disputant – Mediator	R ² = 0 p = .866	R ² = .12* F=1, 50 p = .012	R ² = .104* F=1, 58 p = .012	R ² = .07* F=1, 65 p = .031	R ² = .145** F=1, 65 p = .002
Distributive	R ² = .126** F=1, 65 p = .003	R ² = .515*** F=1, 50 p = ≤.0001	R ² = .114** F=1, 58 p = .008	R ² = .419*** F=1, 65 p = ≤.0001	R ² = .428*** F=1, 65 p = ≤.0001

Notes. *p<.05. ** p<.01. ***p<.001.

¹Minutes of Settlement is a binary variable and results are presented as exploratory analysis only.

Appendix I: OVO Interview Code Frequency

Figures 1 - 9 OVO Interviews

Note: The following legend applies to all Appendix I Figures. Ops = Operation; PA = Policy Analysis; EX = Executive

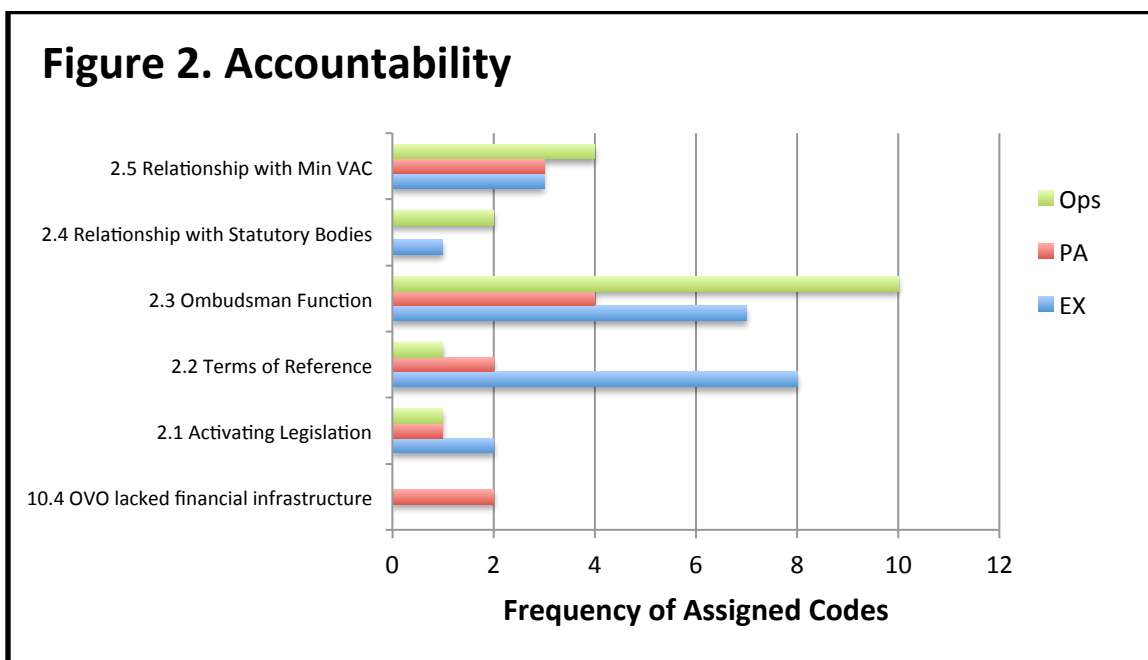
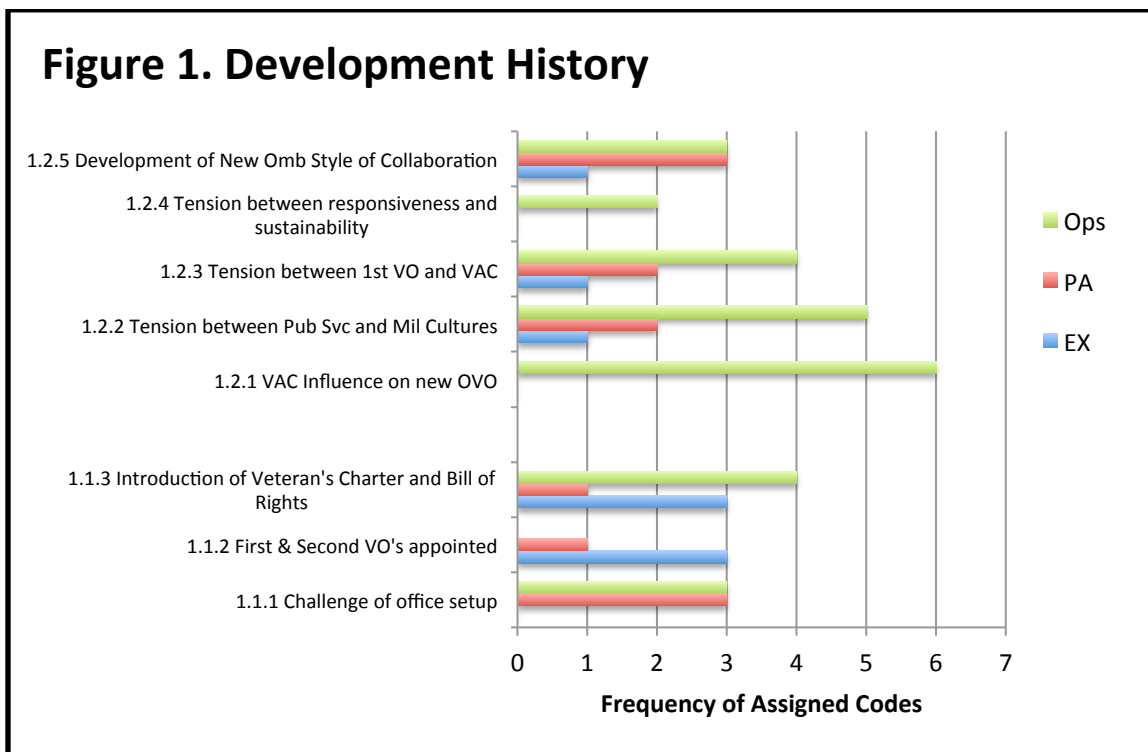


Figure 3.1 Individual Complaints - 3.3 Systemic Investigations

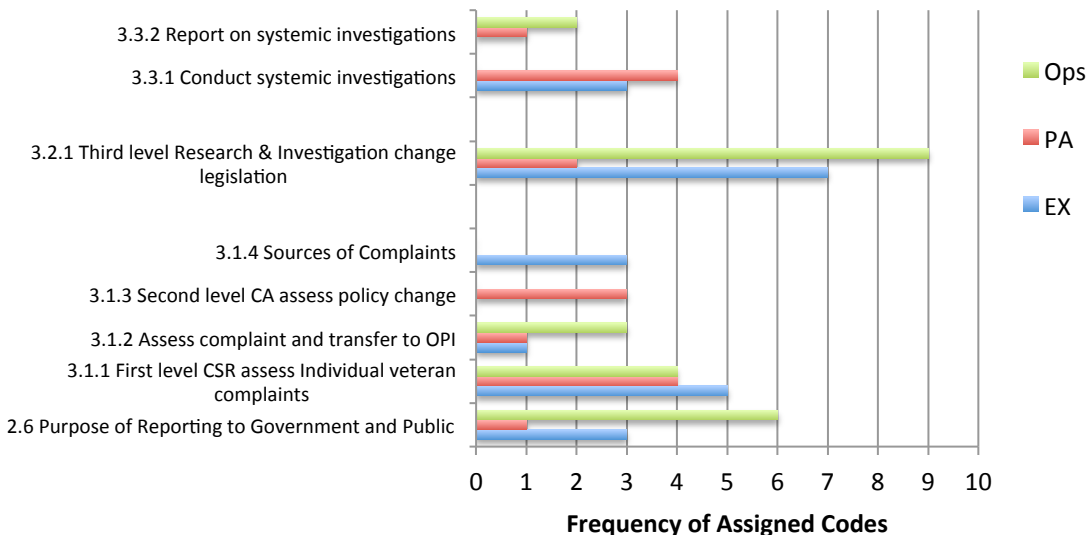
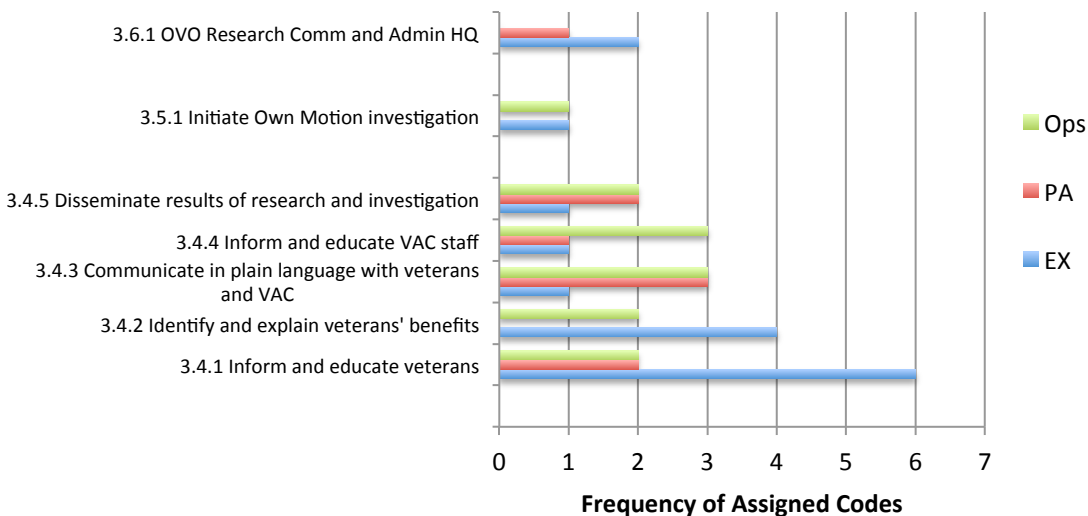
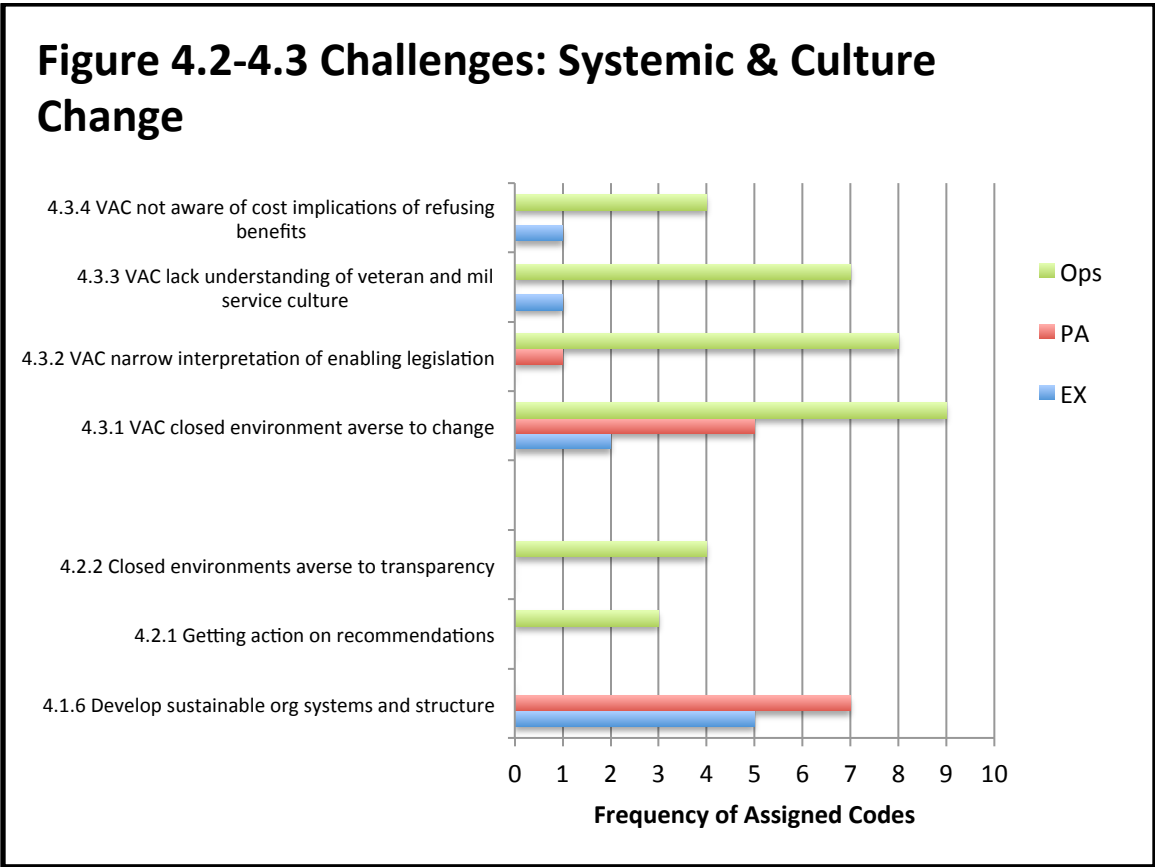
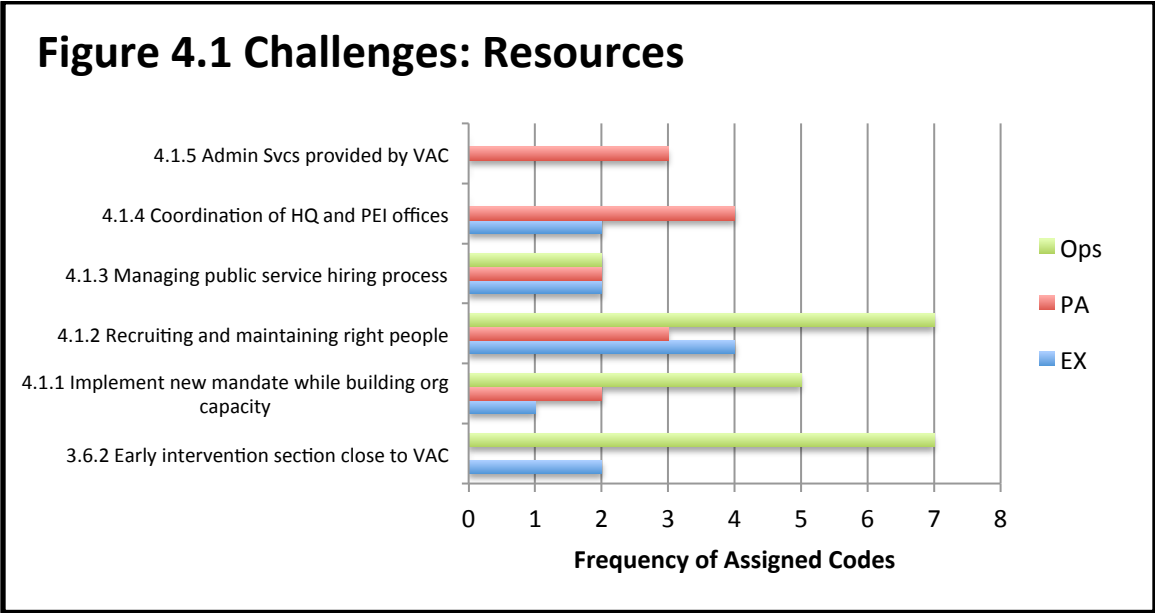
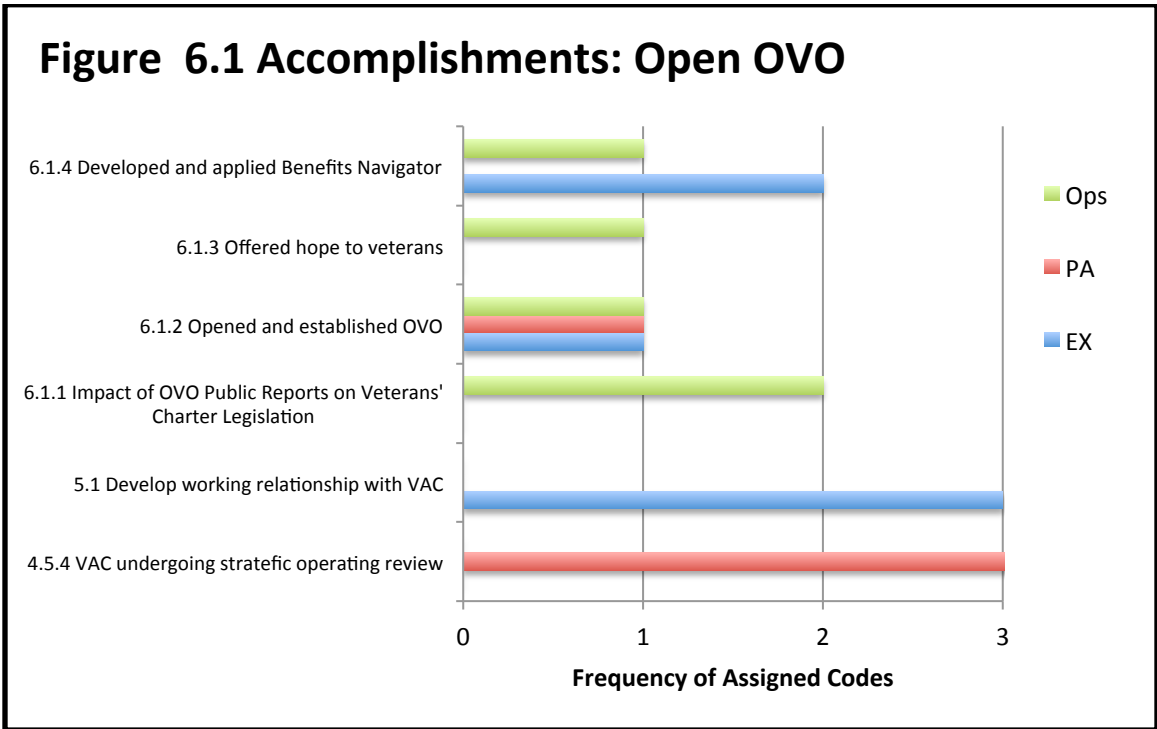
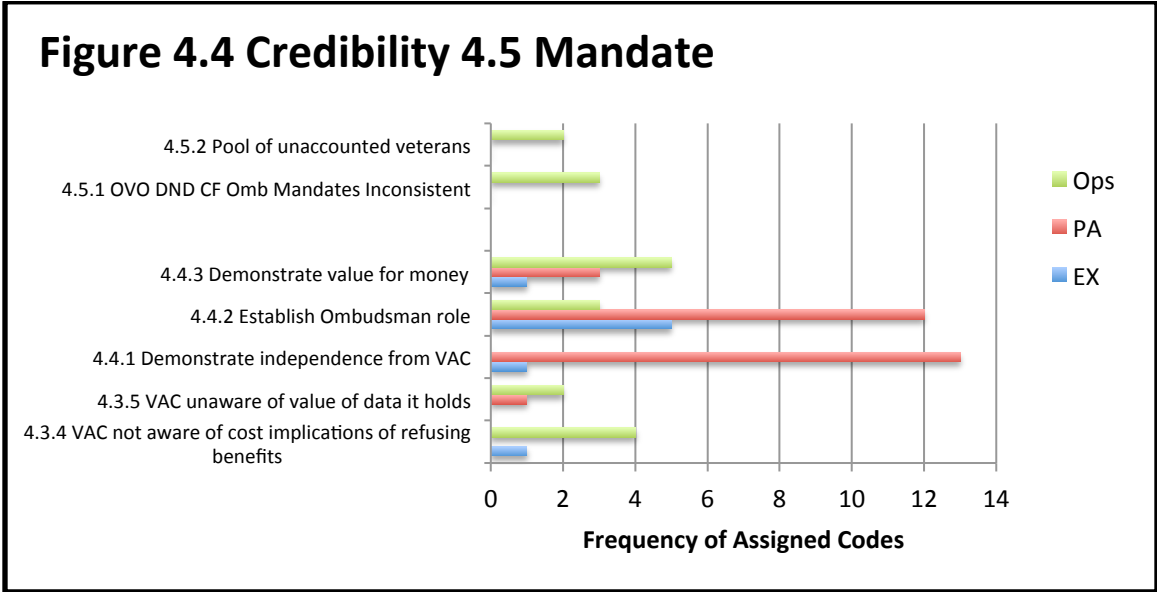
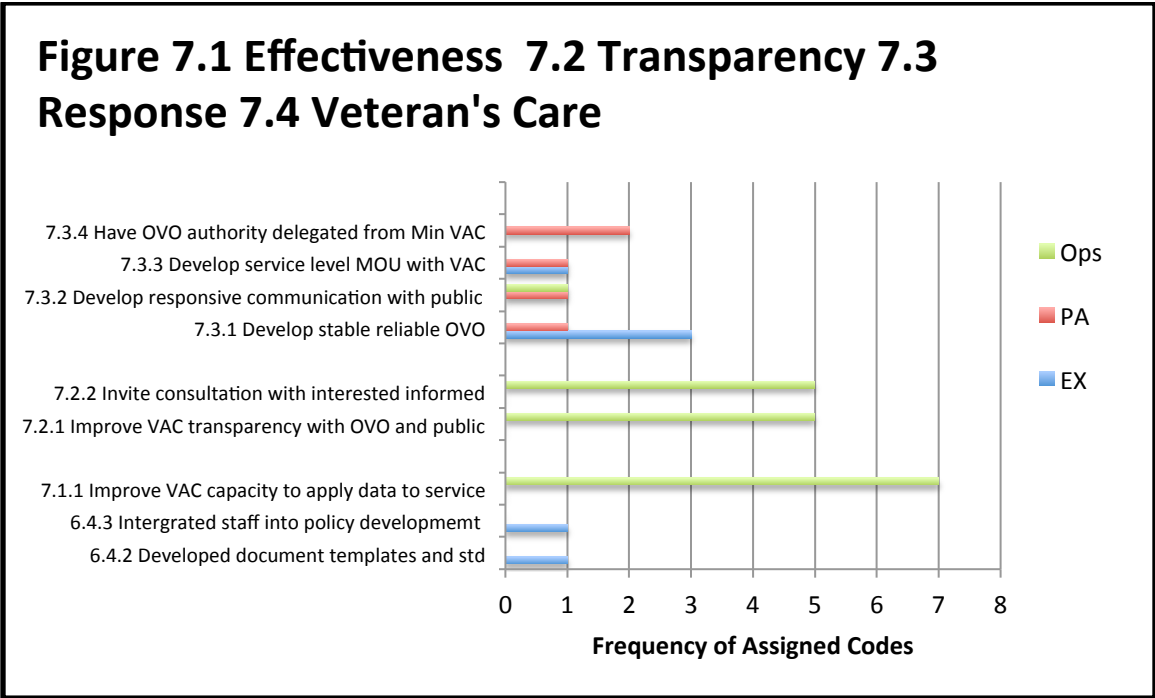
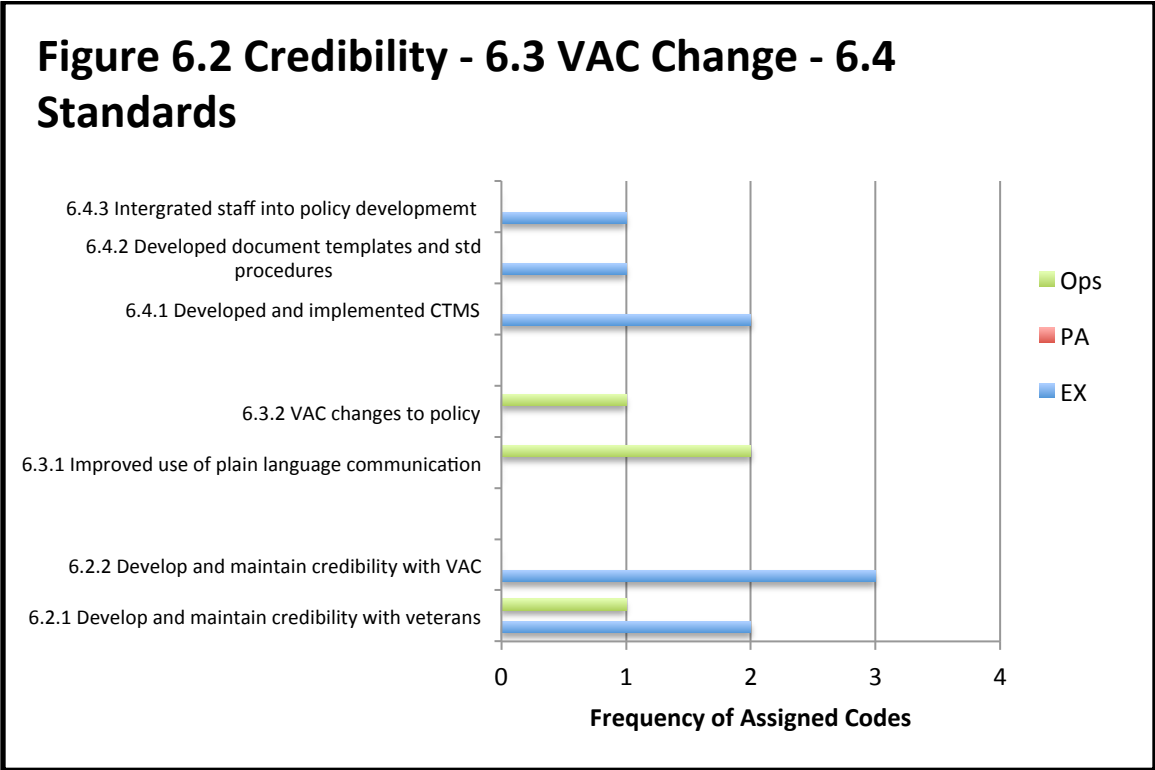


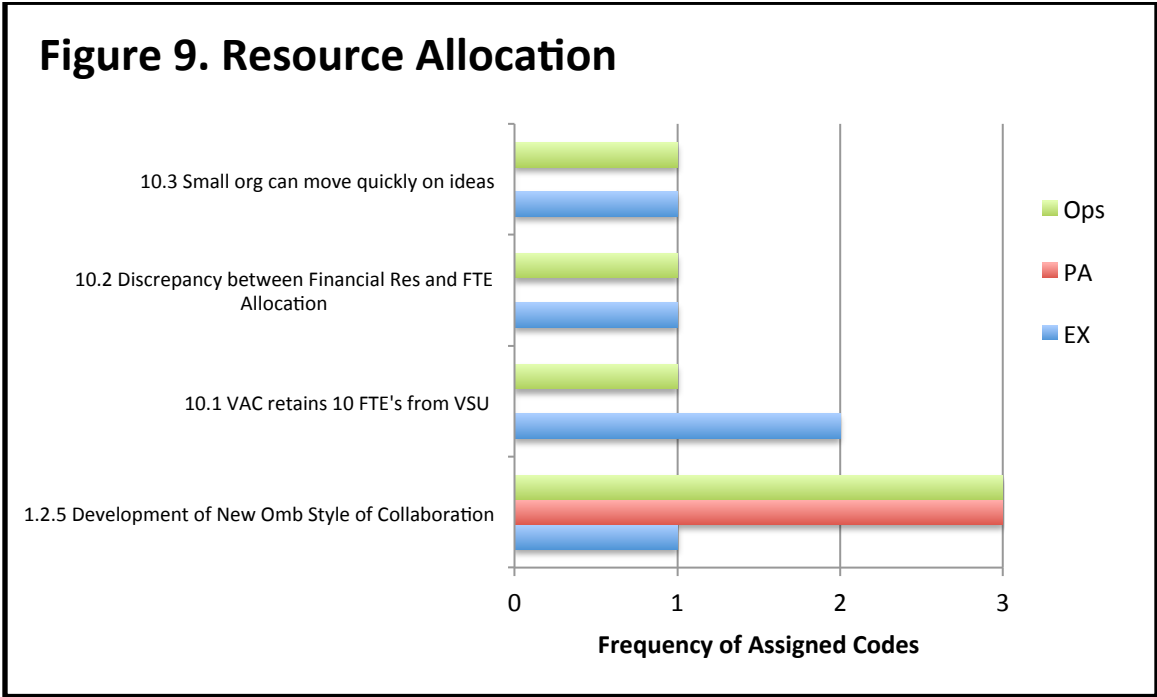
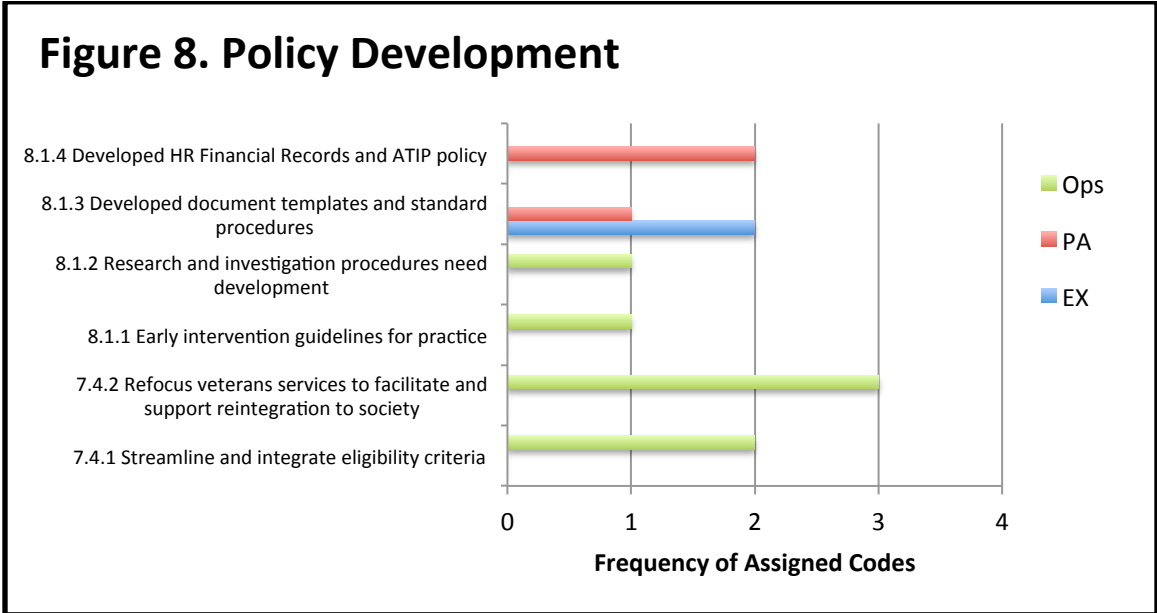
Figure 3.4 Public Education - 3.6 Infrastructure







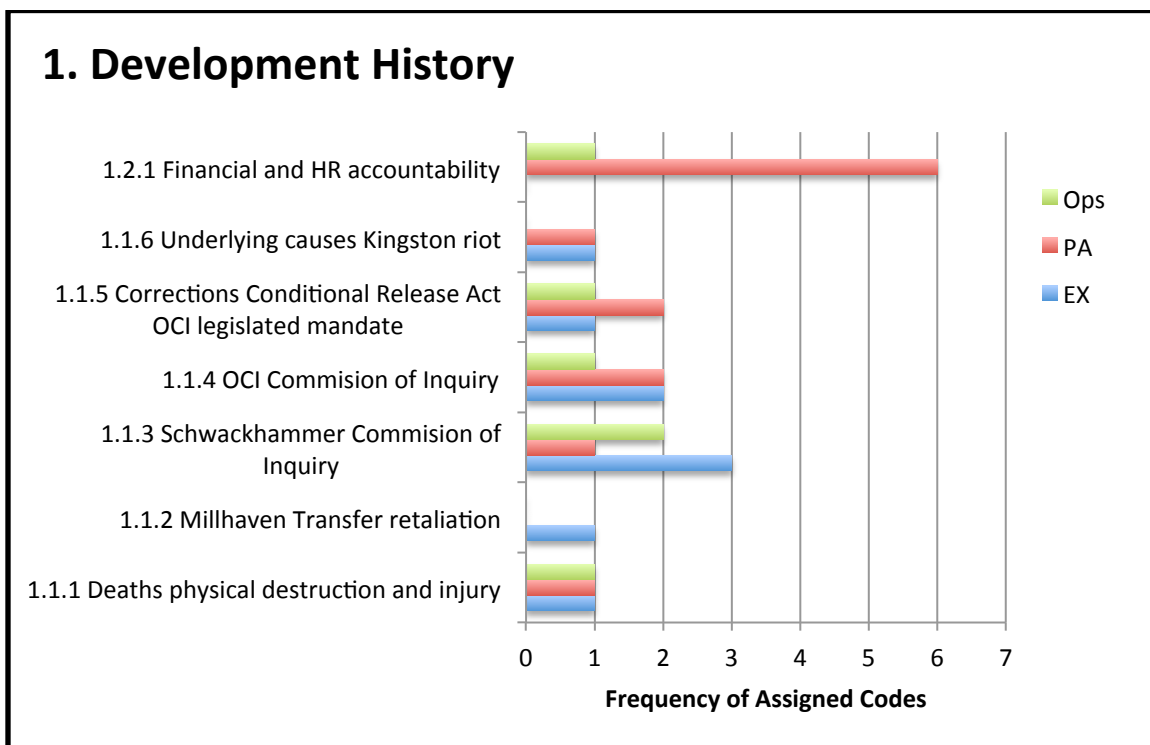




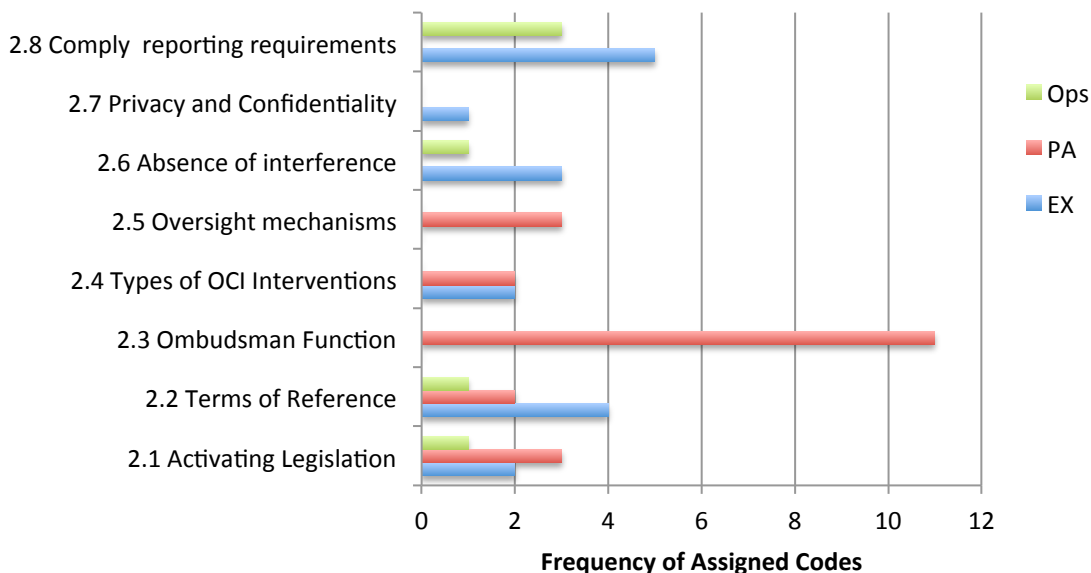
Appendix J: OCI Interview Code Frequency

Figures 1 - 8
OCI Interviews

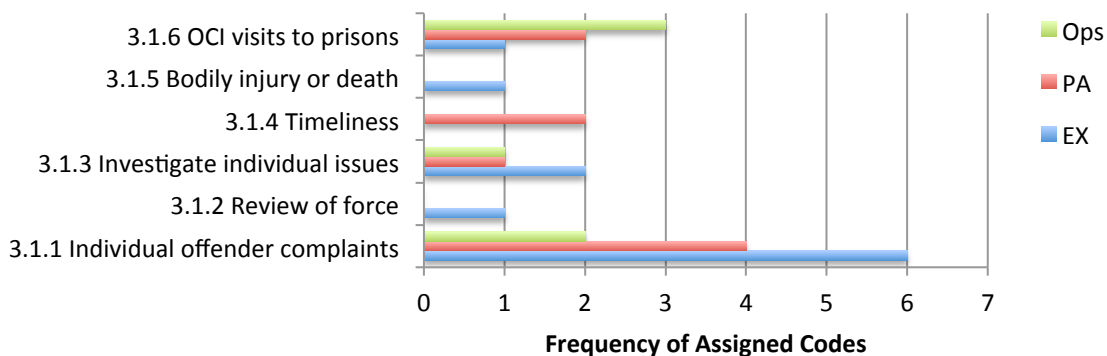
Note: The following legend applies to all Appendix J Figures. Ops = Operation; PA = Policy Analysis; EX = Executive



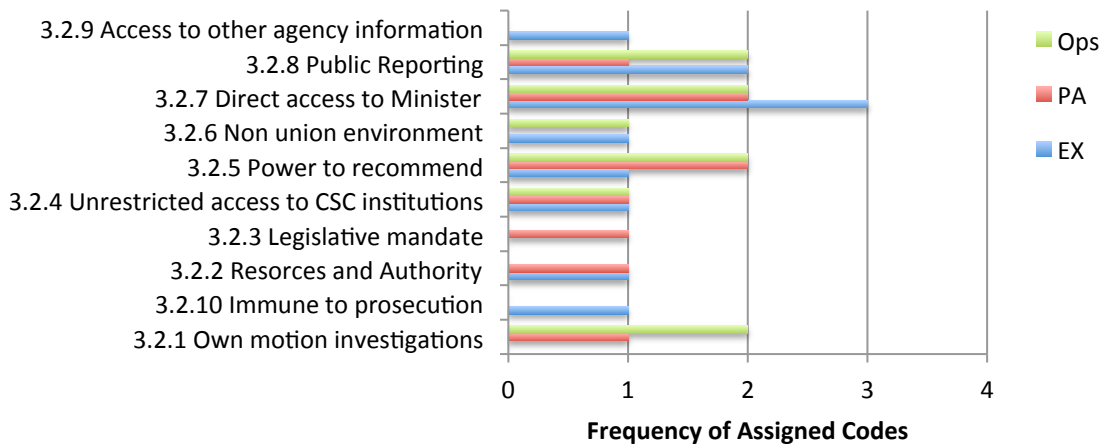
2. Accountability



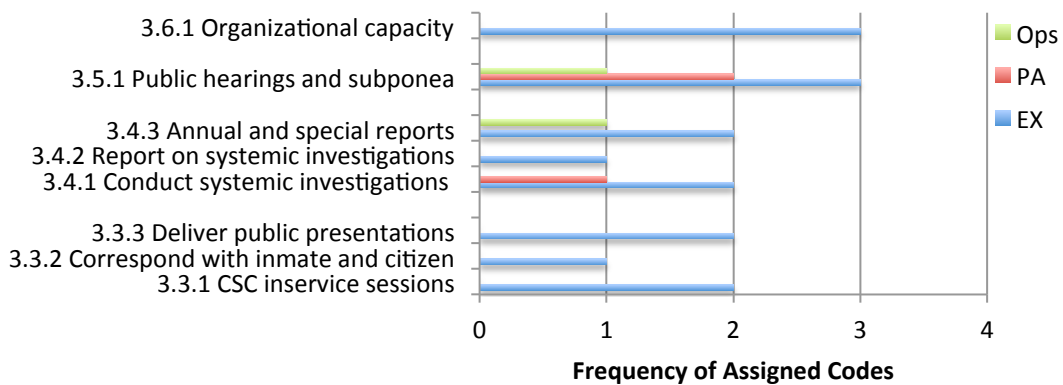
3.1 Investigate Complaints

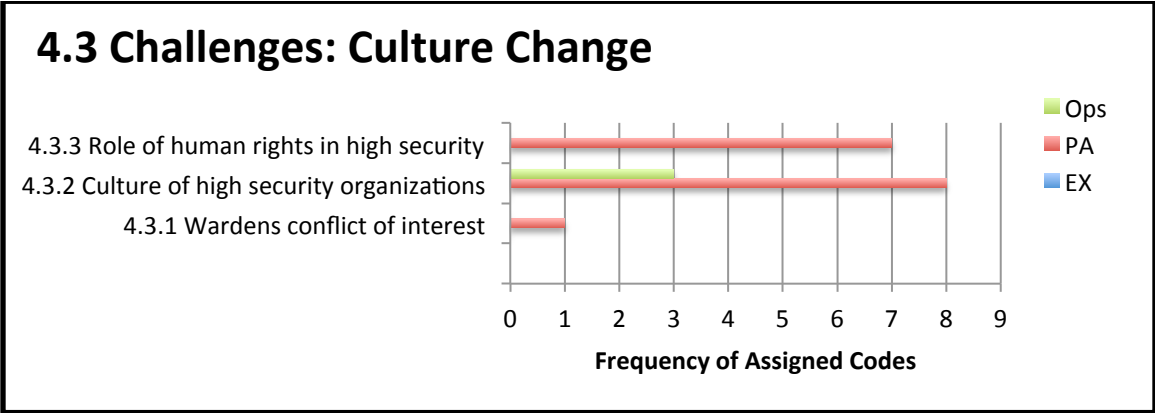
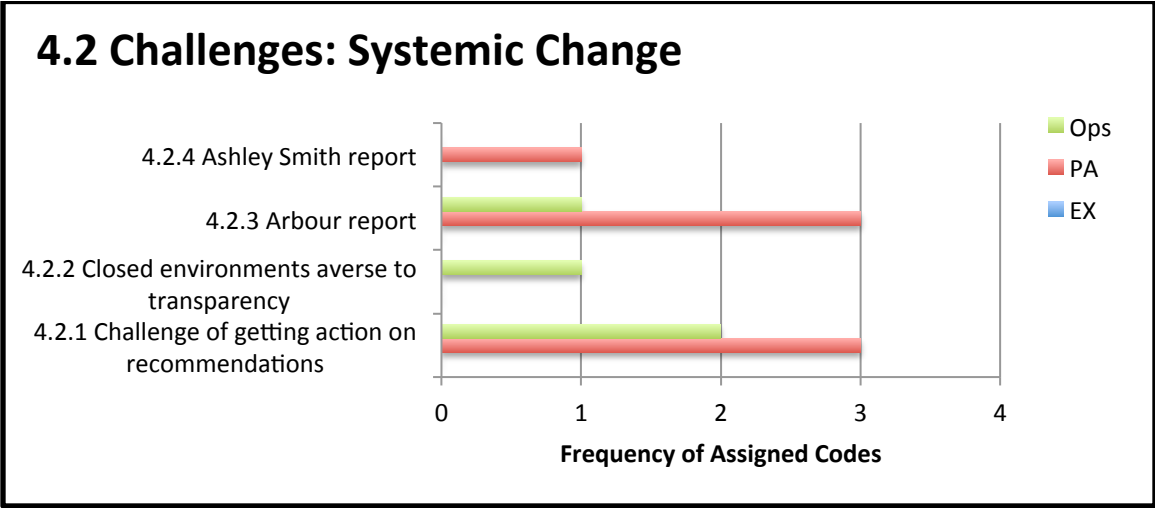
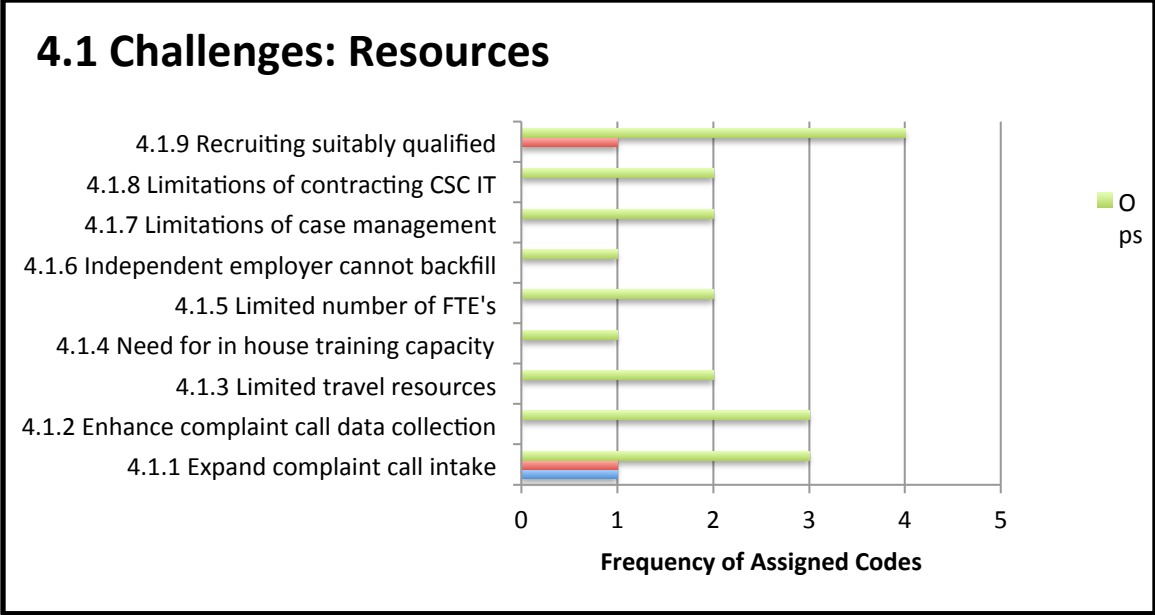


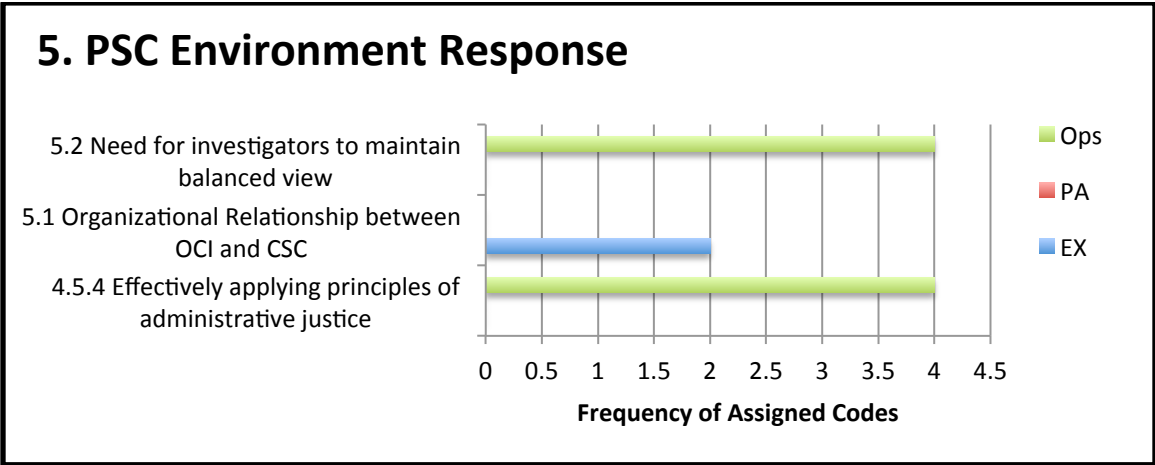
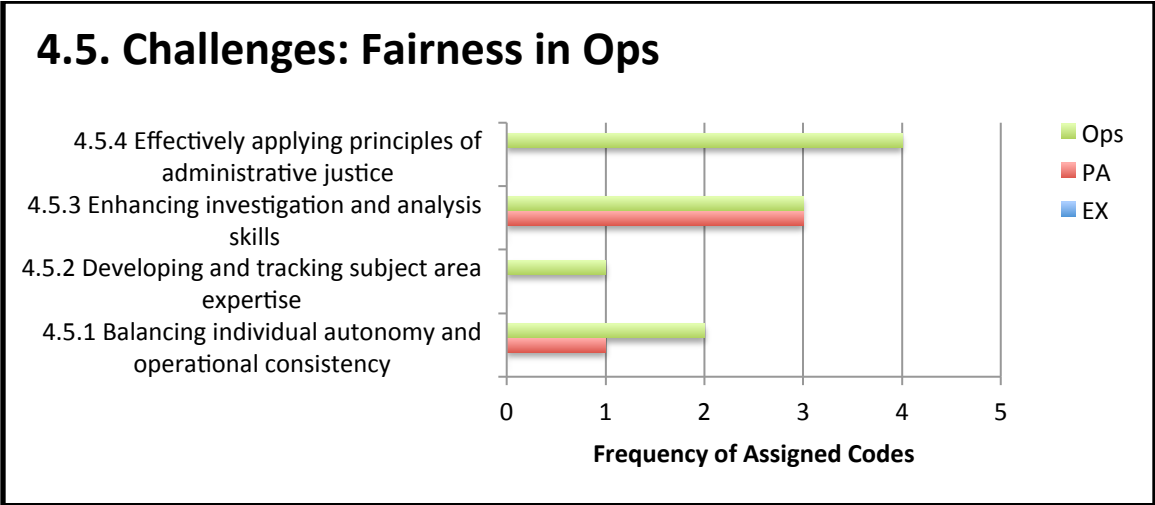
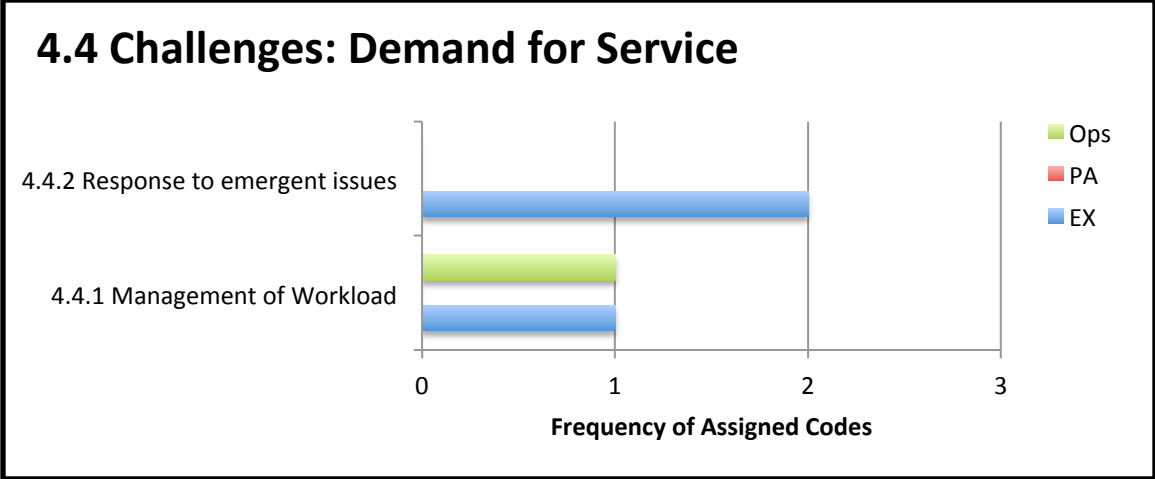
3.2 Autonomy



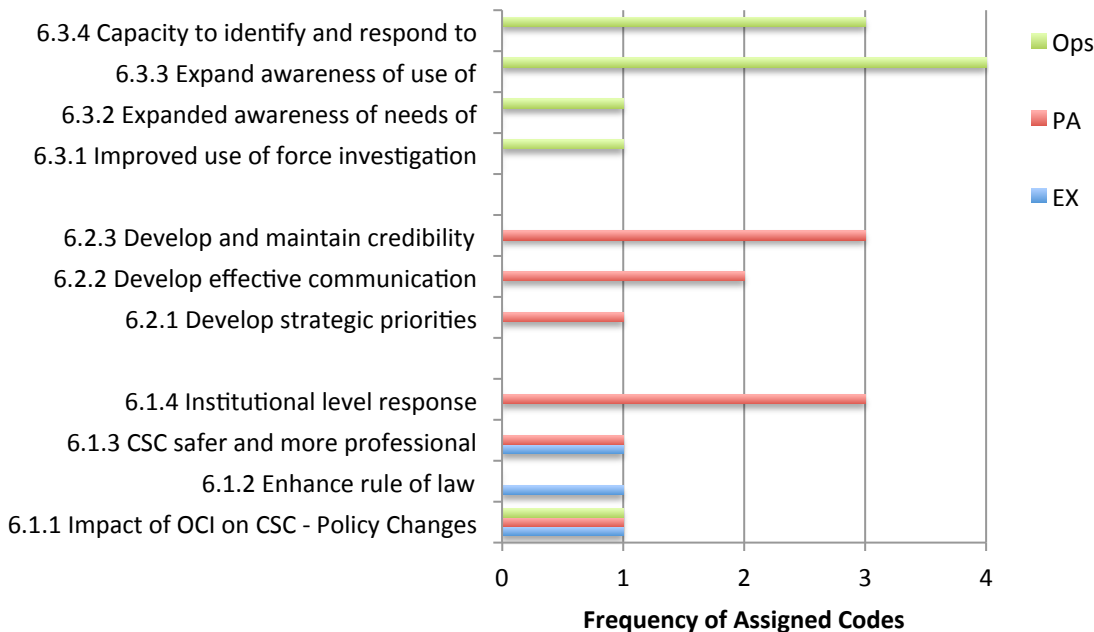
3.3 - 3.4 - 3.5 - 3.6



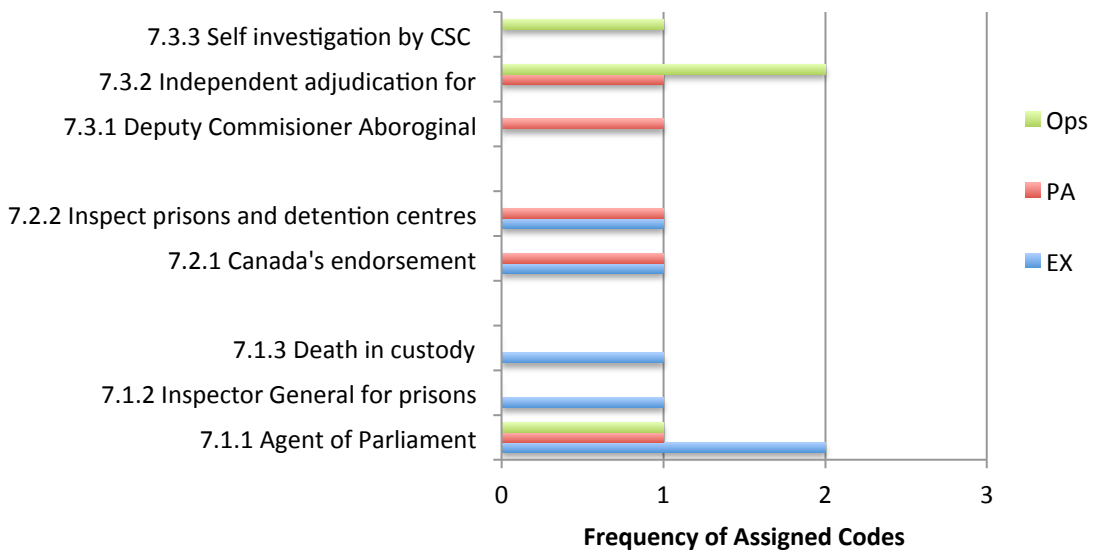


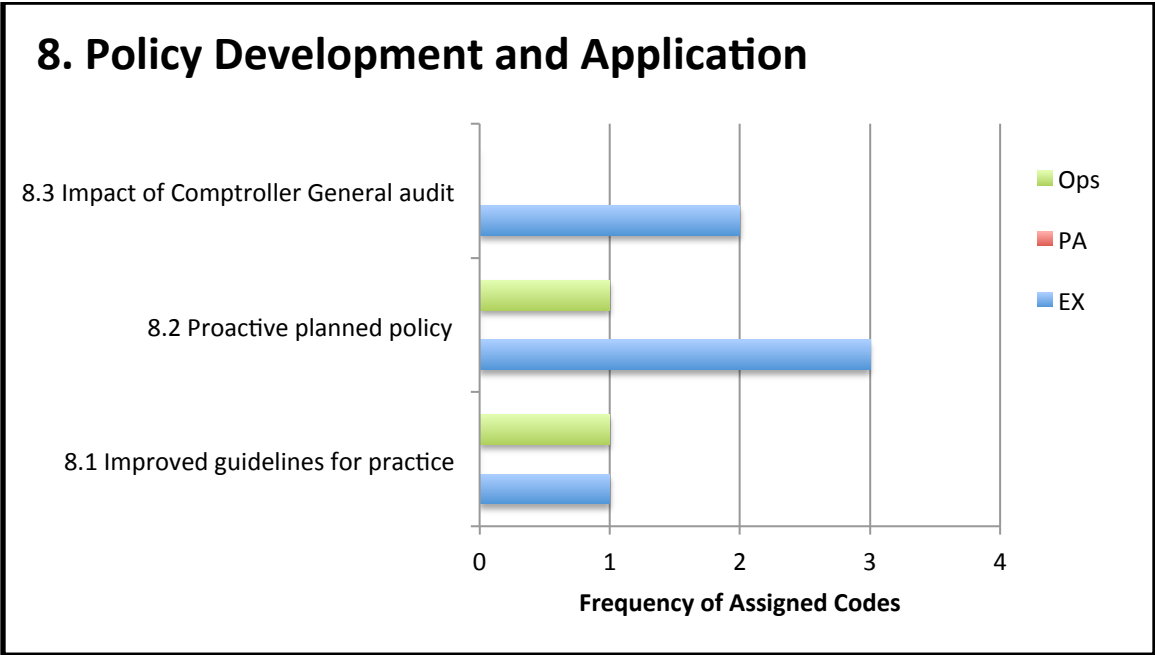
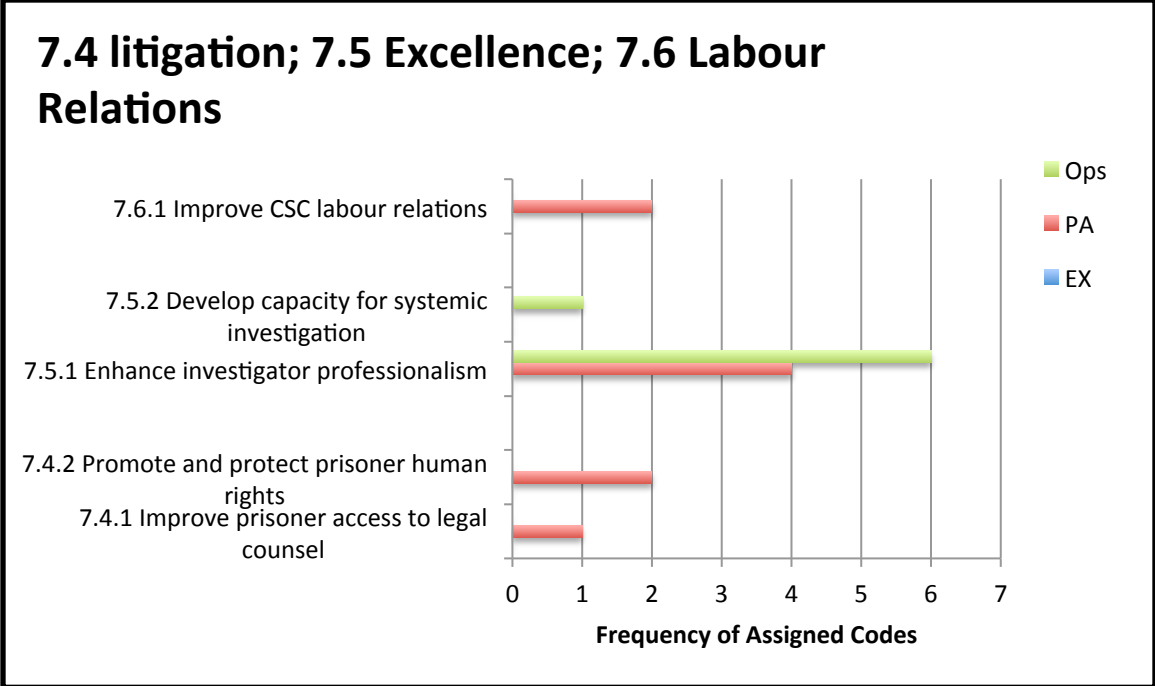


6.1 Policy - 6.2 Credibility - 6.3 Emerging Issues



7.1 Mandate 7.2 OPCAT 7.3 Governance





Appendix K: DGADR, OCI and OVO Interview Code Books

DGADR INTERVIEWS: ALL CODES

1. Development History

- 1.1 Impact of Somalia Inquiry
- 1.2 Dominance of Rights Based Systems
- 1.2.2 Predominance of rights based services
- 1.3.1 Streamline Grievance Process
- 1.4.1 Introduce civilian interest based DR
- 1.4.3 Conclude pilot project success
- 1.5 AFC PMB and Level One Support
- 1.5.2 Appeal to senior leaders
- 1.5.4 Joint civ mil service delivery
- 1.6 Resistance From CoC
- 1.6.2 Challenge to CoC authority

- 1.1.1 Impact of Somalia
- 1.2.1 Limitations of Rights based
- 1.3 Grievance System Backlog
- 1.4 Establishment of Pilot Project
- 1.4.2 Establish pilot project
- 1.4.4 Mil initiative
- 1.5.1 AFC PMB recommendation
- 1.5.3 Cross country coverage
- 1.5.5 Established in regulations
- 1.6.1 Threat to CoC
- 1.6.3 Challenge to mil leadership

2. Accountability

- 2.1 Activating Legislation

- 2.2 Leadership doctrine

3. Structure & Function

- 3.1 DR Svcs to DND/CF
- 3.1.2 Provide DR Trg to DND/CF
- 3.2 Admin & Ops Autonomy
- 3.2.2 Functional link to Base Comd
- 3.3 HQ vs Field
- 3.3.2 DGADR as Central authority
- 3.3.4 Lack of consistency in service delivery
- 3.3.6 Lack of DR expertise in leadership
- 3.3.8 DGADR unable to value DRC lead field based trg
- 3.4 Mil & Civ Pers
- 3.5 Dual Accountability

- 3.1.1 Provide DR Svcs to DND/CF
- 3.1.3 Conflicting priorities mediation vs training
- 3.2.1 Autonomous
- 3.2.3 Independence of action
- 3.3.1 Decentralized Org Model
- 3.3.3 Challenge maintaining internal accountability
- 3.3.5 Inconsistencies in Mediator Qualifications
- 3.3.7 Mistrust between DGADR HQ & DRC's
- 3.3.9 Weak connection between DGADR & corp core units
- 3.4.1 Mil and Civ pers
- 3.5.1 Tension from dual accountability

4. Challenges & Response

- 4.1 Resources
- 4.1.2 Weak data collection
- 4.1.4 Weak Policy Documentation
- 4.1.6 Limited travel resources
- 4.2.1 ADR First
- 4.2.3 Lack of legislated mandate
- 4.3 Culture Change
- 4.3.2 Active Support of Senior Leaders
- 4.3.4 High demand for DR
- 4.3.6 Different Army Navy Air Force Cultures
- 4.4 NCM & Officer Pro D
- 4.4.2 Strong NCM Trg Weak Officer Trg
- 4.5 Demonstrating Value
- 4.5.2 Difficulty est link between CM skills unit cohesion and resilience
- 4.6 DRC Svc Delivery
- 4.6.2 Lack local DRC leadership

- 4.1.1 Budget Cuts
- 4.1.3 DGADR HQ demands for data
- 4.1.5 Insufficient HR to provide all DR services
- 4.2 Mandate
- 4.2.2 DGADR mandate limited to ADR
- 4.2.4 Dual mil civ accountability
- 4.3.1 Increase awareness of ADR
- 4.3.3 ADR vs. CoC
- 4.3.5 Locating mediators suited to mil culture
- 4.3.7 ADR as secondary skill
- 4.4.1 Training integrated into mil career courses
- 4.4.3 Difficulty incorporating CM skills into leadership doctrine
- 4.5.1 Operationalization of conflict management
- 4.5.3 DGADR failure to represent operational success
- 4.6.1 DR course developed centrally not from field
- 4.6.3 Stovepipes between complaint systems

5. Environment Response

- 5.1 Strong operational support at base level
- 5.3 Less need to explain and defend ADR
- 5.5 Hesitancy to apply ADR to self
- 5.7 Intro mil pers for training

- 5.2 ADR understanding improved
- 5.4 Acceptance of ADR but lack understanding application to Mil Capability
- 5.6 Individuals recommend ADR Trg to leaders

6. Accomplishments

- 6.1.1 DGADR Persists
- 6.1.3 Increasing preference for DR vs rights based
- 6.2.1 DR Integrated into Leadership Doctrine
- 6.2.3 Success of pre-deployment training
- 6.2.5 Working groups solving problems
- 6.3.1 DGADR as International Model
- 6.3.3 Endorsement from like departments

- 6.1 Persistence Despite Challenges
- 6.1.2 Established awareness & presence
- 6.2 Incorporated into Trg & Ops
- 6.2.2 DR more integrated into standard procedures
- 6.2.4 Integrated ADR training into mil and civ courses
- 6.3 Endorsement by Significant Others
- 6.3.2 DND/Cf Union support

7. Desirable Change

- 7.1.1 Embed individual self-reliance

- 7.1 Change Individual & Org Culture
- 7.1.2 Enhance self confidence

- 7.1.3 Lower risk aversion
- 7.2 Enhance Integration of DR Into CF Culture
- 7.2.2 Increase Visible Support from Level Ones
- 7.3 Refocus DGADR Policy & Direction
- 7.3.2 Maintain corp knowledge despite budget cuts
- 7.4 Improve DGADR Function & Structure
- 7.4.2 Maintain mil positions
- 7.5 Develop DR Knowledge & Skill
- 7.5.2 Develop ADR as secondary skill and force multiplier

8. Document Policy & Procedures

9. Improve Policy Dev App & Dist

- 9.1 Policy Development
- 9.1.2 Proactive planned policy
- 9.2 Policy Maintenance & Distribution
- 9.2.2 Local policies readily accessible

10. Resource Allocation

- 10.2 Donated capital resources at DRC
- 10.4 Investment in mil trg
- 10.6 Impending budget cuts

11. Other

- 7.1.4 Walk the talk
- 7.2.1 Demonstrate ADR value
- 7.2.3 Rebrand CM skills as part of force generation
- 7.3.1 Establish legislated mil mandate
- 7.3.3 Regain focus on mil & civ clients
- 7.4.1 Maintain agile organization
- 7.4.3 Reduce HQ function
- 7.5.1 Establish DR credibility
- 7.5.3 Develop critical mass of DR trained pers

- 9.1.1 Guidelines for practice
- 9.1.3 Tension between self-initiative & prescription
- 9.2.1 Lack of central depository for policy
- 9.2.3 Poor publication & maintenance of policy

- 10.1 Ample budget
- 10.3 Donated Reg Force pers
- 10.5 Increased demands for service

OCI Interviews All Codes

1. Development History

- 1.1.1 deaths physical destruction and injury
- 1.1.3 Millhaven Transfer retaliation
- 1.1.5 Corrections Conditional Release Act OCI legislated mandate
- 1.1.7 Commission recommendations
- 1.2.1 Financial and HR accountability

2. Accountability

- 2.2 Terms of Reference
- 2.4 Types of OCI Interventions
- 2.6 Absence of interference
- 2.8 Comply with internal government reporting and policy

3. Structure & Function

- 3.1.1 Individual offender complaints
- 3.1.3 Investigate individual issues
- 3.1.5 Bodily injury or death
- 3.2 Admin & Ops Autonomy
- 3.2.10 Immune to prosecution
- 3.2.3 Legislative mandate
- 3.2.5 Power to recommend
- 3.2.7 Direct access to Minister
- 3.2.9 Access to other agency information
- 3.3.1 CSC in-service sessions
- 3.3.3 Deliver public presentations
- 3.4.1 Conduct systemic investigations
- 3.4.3 Annual and special reports
- 3.5.1 Organizational capacity
- 3.6.1 Public hearings and subpoena

4. Challenges & Response

- 4.1.1 Expand complaint call intake
- 4.1.3 Limited travel resources
- 4.1.5 Limited number of FTE's
- 4.1.7 Limitations of case management system
- 4.1.9 Recruiting suitably qualified investigators
- 4.2.1 Challenge of getting action on recommendations
- 4.2.3 Arbour report
- 4.3 Culture Change
- 4.3.2 National Parole Board
- 4.3.4 Role of human rights in high-security organizations
- 4.4 Demand for service
- 4.4.2 Response to emergent issues
- 4.5.1 Balancing individual autonomy and operational consistency
- 4.5.3 Building capacity to anticipate and respond to demand
- 4.5.5 Effectively applying principles of administrative justice

5. Public Safety Canada Environment Response

- 5.2 CSC culture of command and control
- 5.3.1 Need for investigators to maintain balanced view

6. Accomplishments

- 6.1 Policy change and development
- 6.1.2 Enhance rule of law
- 6.1.4 Institutional level response
- 6.2.1 Develop strategic priorities
- 6.2.3 Develop and maintain credibility

- 1.1 Impact of Kingston riot
- 1.1.2 Schwackhammer Commission of Inquiry
- 1.1.4 OCI Commission of Inquiry
- 1.1.6 Underlying causes Kingston riot

1.2 Impact of Auditor General report

- 2.1 Activating Legislation
- 2.3 Ombudsman Function
- 2.5 Significance of Oversight mechanisms
- 2.7 Protection of Privacy and Confidentiality

3.1 Investigate and resolve offender complaints

- 3.1.2 Review of force
- 3.1.4 Timeliness
- 3.1.6 OCI visits to prisons
- 3.2.1 Own motion investigations
- 3.2.2 Resources and Authority
- 3.2.4 Unrestricted access to CSC institutions
- 3.2.6 Non-union environment
- 3.2.8 Public Reporting
- 3.3 Conduct Public Education
- 3.3.2 Correspond with inmate and citizen advisory committees
- 3.4 Conduct Systemic Investigations
- 3.4.2 Report on systemic investigations
- 3.5 Infrastructure
- 3.6 Public Hearings and Subpoena

4.1 Resources

- 4.1.2 Enhance complaint call data collection
- 4.1.4 Need for in house training capacity
- 4.1.6 Independent employer cannot backfill positions
- 4.1.8 Limitations of contracting CSC IT systems
- 4.2 Systemic level change
- 4.2.2 Closed environments averse to transparency
- 4.2.4 Ashley Smith report
- 4.3.1 Wardens conflict of interest
- 4.3.3 Culture of high-security organizations
- 4.3.5 Criminal justice and public perception
- 4.4.1 Management of Workload
- 4.5 Developing fairness and consistency in operations
- 4.5.2 Developing and tracking subject area expertise

4.5.4 Enhancing investigation and analysis skills

- 5.1 Organizational Relationship between OCI and CSC
- 5.3 OCI - CSC Working Relationship
- 5.3.2 Maintaining healthy working relationship between OCI and CSC

6.1.1 Impact of OCI on CSC - Policy Changes

- 6.1.3 CSC safer and more professional
- 6.2 Establish Credibility
- 6.2.2 Develop effective communication
- 6.3 Identification and response to emerging issues

- 6.3.1 Improved use of force investigation
- 6.3.3 Expanded awareness of needs of minority populations
- 6.3.5 Capacity to identify and respond to internal OCI needs

7. Desirable Change

- 7.1.1 Agent of Parliament
- 7.1.3 Death in custody
- 7.2.1 Canada's endorsement
- 7.3 Change CSC Governance
- 7.3.2 Independent adjudication for segregation
- 7.4 Expand litigation for prisoners
- 7.4.2 Promote and protect prisoner human rights
- 7.5.1 Enhance investigator professionalism
- 7.6 CSC Labour Relations

9. Improve Policy Dev App & Dist

- 9.1 Policy Development
- 9.1.2 Proactive planned policy

10. Resource Allocation

- 10.1 Ample budget
- 10.3 Limitation on number of FTE's

11. Other

- 6.3.2 Improved death in custody investigation
- 6.3.4 Expand awareness of use of segregation

- 7.1 Mandate
- 7.1.2 Inspector General for prisons
- 7.2 Optional Protocol and Convention Against Torture
- 7.2.2 Inspect prisons and detention centres
- 7.3.1 Deputy Commissioner Aboriginal
- 7.3.3 Self investigation by CSC
- 7.4.1 Improve prisoner access to legal counsel
- 7.5 Promote excellence in OCI
- 7.5.2 Develop capacity for systemic investigation
- 7.6.1 Improve CSC labour relations

- 9.1.1 Improved guidelines for practice
- 9.1.3 Impact of Comptroller General audit

- 10.2 Anticipated increase in prison population

OVO Interviews All Codes**1. Development History**

- 1.1.1 Challenge of office setup
- 1.1.3 Introduction of Veteran's Charter and Bill of Rights
- 1.2.1 VAC Influence on new OVO
- 1.2.3 Tension between 1st VO and VAC
- 1.2.5 Development of New Omb Style of Collaboration

2. Accountability

- 2.2 Terms of Reference
- 2.4 Relationship with Statutory Bodies
- 2.6 Purpose of Reporting to Government and Public

3. Structure & Function

- 3.1.1 First level CSR assess Individual veteran complaints
- 3.1.3 Second level CA assess policy change
- 3.2 Third Level Research & Investigation
- 3.3 Fourth Level Conduct Systemic Investigations
- 3.3.2 Report on systemic investigations
- 3.4 Conduct Public Education
- 3.4.2 Identify and explain veterans' benefits
- 3.4.4 Inform and educate VAC staff
- 3.5 Own Motion Investigation
- 3.6 Infrastructure
- 3.6.2 Early intervention section close to VAC

4. Challenges & Response

- 4.1.1 Implement new mandate while building org capacity
- 4.1.3 Managing public service hiring process
- 4.1.5 Admin Svcs provided by VAC
- 4.2 Systemic level change
- 4.2.2 Closed environments averse to transparency
- 4.3.1 VAC closed environment averse to change
- 4.3.3 VAC lack understanding of veteran and mil service culture
- 4.3.5 VAC unaware of value of data it holds
- 4.4.1 Demonstrate independence from VAC
- 4.4.3 Demonstrate value for money
- 4.5.1 OVO DND CF Omb Mandates Inconsistent
- 4.5.3 Diverse constituency of veterans

5. Reaction from VAC and public

- 5.1 Develop working relationship with VAC

6. Accomplishments

- 6.1.1 Impact of OVO Public Reports on Veterans' Charter Legislation
- 6.1.3 Offered hope to veterans
- 6.1.5 Developed ATIP and public access to info
- 6.2 Establish Credibility
- 6.2.2 Develop and maintain credibility with VAC
- 6.3.1 Improved use of plain language communication
- 6.4 Developed standardized procedures
- 6.4.2 Developed document templates and std procedures

7. Desirable Change

- 7.1 VAC effectiveness
- 7.2 VAC transparency
- 7.2.2 Invite consultation with interested informed veterans
- 7.3.1 Develop stable reliable OVO
- 7.3.3 Develop service level MOU with VAC
- 7.4 Redefine care for veterans as national security
- 7.4.2 Refocus veterans services to facilitate and support reintegration to society

9. Improve Policy Dev App & Dist

- 9.1.1 Early intervention guidelines for practice
- 9.1.3 Developed document templates and standard procedures
- 9.1.5 Developing social media tools

- 1.1 Order in Council
- 1.1.2 First & Second VO's appointed
- 1.2 Impact of 1st Veteran's Ombudsman
- 1.2.2 Tension between Pub Svc and Mil Cultures
- 1.2.4 Tension between responsiveness and sustainability

- 2.1 Activating Legislation
- 2.3 Ombudsman Function
- 2.5 Relationship with Min VAC

- 3.1 First & Second Levels Investigate and resolve individual complaints
- 3.1.2 Assess complaint and transfer to OPI
- 3.1.4 Sources of Complaints
- 3.2.1 Third level Research & Investigation change legislation
- 3.3.1 Conduct systemic investigations
- 3.3.3 Challenge VAC requirement for self-identification
- 3.4.1 Inform and educate veterans
- 3.4.3 Communicate in plain language with veterans and VAC
- 3.4.5 Disseminate results of research and investigation
- 3.5.1 Initiate Own Motion investigation
- 3.6.1 OVO Research Comm and Admin HQ

- 4.1 Resources
- 4.1.2 Recruiting and maintaining right people
- 4.1.4 Coordination of HQ and PEI offices
- 4.1.6 Develop sustainable org systems and structure
- 4.2.1 Challenge of getting action on recommendations
- 4.3 Culture Change
- 4.3.2 VAC narrow interpretation of enabling legislation
- 4.3.4 VAC unaware of cost implications of refusing benefits

- 4.4 Establish Credibility
- 4.4.2 Establish Ombudsman role
- 4.5 Challenges of implementing Mandate
- 4.5.2 Pool of unaccounted veterans
- 4.5.4 VAC undergoing strategic operating review

- 6.1 Opened and established the OVO
- 6.1.2 Opened and established OVO

- 6.1.4 Developed and applied Benefits Navigator
- 6.1.6 Developed small high capacity organization
- 6.2.1 Develop and maintain credibility with veterans
- 6.3 Effect change in VAC
- 6.3.2 VAC changes to policy
- 6.4.1 Developed and implemented CTMS
- 6.4.3 Integrated staff into policy development

- 7.1.1 Improve VAC capacity to apply data to service improvements
- 7.2.1 Improve VAC transparency with OVO and public
- 7.3 Enhance OVO capacity to respond to emerging issues

- 7.3.2 Develop responsive communication with public
- 7.3.4 Have OVO authority delegated from Min VAC
- 7.4.1 Streamline and integrate eligibility criteria

- 9.1 Policy Development
- 9.1.2 Research and investigation procedures need development
- 9.1.4 Developed HR Financial Records and ATIP policy
- 9.1.6 Admin policies based on gov mandate

10. Resource Allocation

- 10.1 VAC retains 10 FTE's from VSU
- 10.3 Small org can move quickly on ideas

- 10.2 Discrepancy between Financial Res and FTE Allocation
- 10.4 OVO lacked financial infrastructure

11. Other