

Department of the Interior Departmental Manual

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Chapter 21: Office of Collaborative Action and Dispute Resolution

Originating Office: Office of Collaborative Action and Dispute Resolution

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21.1 Office of Collaborative Action and Dispute Resolution. The Office of Collaborative Action and Dispute Resolution (CADR or Office) oversees implementation of the Administrative Dispute Resolution Act of 1996 and the Department of the Interior (Department) policies on conflict management, public engagement, collaborative problem-solving, alternative dispute resolution (ADR), and negotiated rulemaking. Consistent with all relevant laws, regulations and directives, the Office promotes proactive conflict management and early collaborative problem-solving, as well as the appropriate use of ADR processes and negotiated rulemaking to produce innovative, equitable, and durable solutions, decisions, and policies; improve communication and stakeholder engagement; and build trust and strengthen working relationships. The Office provides leadership and coordinates efforts to build conflict management and collaboration competency throughout the Department's Bureaus and Offices, establishes and communicates Departmental policies and guidance in consultation with the Solicitor's Office, monitors and evaluates implementation and program development, provides subject matter expertise and training, technical assistance and project support, promotes best practices, and serves as the Department's clearinghouse for information and resources related to conflict management, public participation, collaborative problem-solving, ADR, and negotiated rulemaking.

21.2 Authorities.

- A. Administrative Dispute Resolution Act of 1996 (ADRA).
- B. Negotiated Rulemaking Act of 1996.
- C. Contract Disputes Act of 1978, as amended.
- D. Alternative Dispute Resolution Act of 1998.
- E. Environmental Policy and Conflict Resolution Act of 1998 (P.L. 105-156).
- F. Executive Order 12988, "Civil Justice Reform" (February 5, 1996).
- G. U.S. Equal Employment Opportunity Commission regulations, 29 CFR Part 1614.

H. Presidential Memorandum, “Designation of Interagency Committee to Facilitate and Encourage Use of Alternative Means of Dispute Resolution and Negotiated Rulemaking” (May 1, 1998).

I. Environmental Policy and Conflict Resolution Advancement Act of 2003 (P.L. 108-160).

J. Office of Management and Budget/Council on Environmental Quality “Memorandum on Environmental Collaboration and Conflict Resolution” (September 7, 2012).

21.3 Functions. The Office provides Departmental leadership in collaboration with the Solicitor’s Office and works with all Bureaus and Offices to build conflict management competency and integrate the appropriate use of public participation, collaborative problem-solving and ADR processes into all areas of the Department’s work to improve efficiency and effectiveness. The use of conflict management and collaborative problem-solving skills, practices and processes advances the Department’s goals with respect to human capital and workplace issues; Bureau and Office programs; Native American, Alaska Native, and Native Hawaiian affairs; procurement matters; and regulatory and policy decisions. The Office performs the following functions:

A. Oversees implementation of the Administrative Dispute Resolution Act of 1996 and other relevant laws, regulations, directives, and guidance on the use of collaborative processes, ADR and negotiated rulemaking.

B. Establishes Department’s policies and guidance on conflict management, public participation, collaborative problem-solving, ADR, and negotiated rulemaking.

C. Develops and maintains a five-year strategic plan and performance goals for achieving CADR’s mission and carrying out office responsibilities.

D. Ensures timely access to qualified third-party neutral facilitators, mediators, ombuds, coaches and other professional conflict management and ADR service providers.

E. Tracks and evaluates the use of collaborative processes, ADR and negotiated rulemaking and recommends improvements as appropriate.

F. Advises on appropriate process options and appropriate processes or program design and assists parties in selecting appropriate third-party assistance.

G. Identifies and coordinates demonstration and pilot programs to expand and advance the use of collaborative processes, ADR, and negotiated rulemaking.

H. Leads the Interior Dispute Resolution Council comprised of designated conflict management and dispute resolution specialists representing the Bureaus, the Office of the Solicitor and the Office of the Secretary of the Interior (Secretary), to coordinate efforts to build

capacity (including skills, practices, processes, and support structures) to support full implementation of the Department's policies.

I. Prepares an annual report to the Secretary on implementation of the Department's Conflict Management, public participation and ADR policies.

21.4 Organization. The Director of the Office reports to the Deputy Assistant Secretary - Administrative Services under the Assistant Secretary - Policy, Management and Budget. The Director is the Department's designated Dispute Resolution Specialist, directs and supervises all functions and activities of the Office of Collaborative Action and Dispute Resolution, and chairs the Interior Dispute Resolution Council comprised of Bureau and Office conflict management and ADR liaisons to the CADR office. The Director carries out the functions of the Office assisted by staff members assigned to specific activities under the functional areas identified in Paragraph 21.3.