

Agreement Seeking Questionnaire for Judicial Proceeding with effects and costs - Case Lead

OMB Number: 2010-0042, 2434.54

The U.S. Environmental Protection Agency, Conflict Prevention and Resolution Center (CPRC) requests your assistance in evaluating this facilitated process. As a part of this evaluation, we ask the various participants who have been involved in this project or case to provide us with information about their experience. The data compiled will be used to improve future facilitation services provided by the CPRC.

The CPRC will not report information from this evaluation in a way that respondents or their organizations can be identified. Moreover, the identity of individual respondents will be kept confidential and will not be disclosed.

1. Please indicate the extent to which agreement was reached.

To answer this question, think about those issues that were central to the discussions and needed to be addressed to resolve or advance the matter

THE TERM "AGREEMENT" APPLIES TO THE WRITTEN OR UNWRITTEN AGREEMENT(S) YOU REACHED WITH OTHER PARTICIPANTS IN THE PROCESS, INCLUDING PLANS, PROPOSALS/RECOMMENDATIONS, PROCEDURES, COLLABORATIVE DECISIONS TO WORK TOGETHER AND SETTLEMENTS. WE USE THE TERM *AGREEMENT* RECOGNIZING THAT THERE MAY HAVE BEEN MORE THAN ONE AGREEMENT.

(CHECK ONLY ONE)

- Agreement on all key issues
- Agreement on most key issues
- Agreement on some key issues
- No agreement on key issues; progress was made towards addressing the matter. (To Q13)
- No agreement, the process ended without us making much progress. (To Q13)

USE THE SPACE BELOW IF YOU WOULD LIKE TO ELABORATE ON YOUR RESPONSE:

2. Rate your level of agreement with the following statements regarding the agreement.

Scale 0=Not at all, 10=Completely

- a. The agreement reached takes account of our key interests.
- b. The agreement reached will effectively resolve the matter.
- c. The agreement reached can be implemented.
- d. The facilitator's involvement was important to efforts to reach agreement

3. Were there any important issues that were not addressed by the agreement?

- Yes
- No (to 5)
- Not sure (to 5)

4. Are those important issues from the previous question satisfactorily addressed or likely to be addressed by another process that has been agreed to by the parties?

- Yes
- No
- Not sure

5. Were you satisfied with the agreement reached using the facilitated process?

Scale 0=Not at all, 10=Completely

Effects of the Agreement

In the next set of questions, you will be asked about the size and the likelihood of the most important condition that you expect will change as a result of the agreement reached through the facilitated process.

We recognize that there can be uncertainty about your answers to these questions. Without you answering all questions, we cannot produce the needed estimate of effects from the agreement reached through the facilitated process.

6. From your perspective, what condition has been or will be the most importantly affected or changed as a result of the agreement made in this facilitated process?

PLEASE SELECT THE CONDITION MOST IMPORTANTLY AFFECTED OR CHANGED.

- Community / social
- Economic / commercial
- Historic / cultural resource
- Natural resource/ environmental
- Public safety / public health
- Recreational
- Other (please comment) _____

Please describe the condition you selected above that you expect to change.

7. For the first ten years after the agreement to what extent will the change in the [pipe from Q6] condition be better or worse than existed before the facilitated process?

Scale -4 to +4 with -4=significantly worse and +4=significantly better

8. For the first ten years after the agreement how likely is it that the changes in the [pipe from Q6] condition will occur?

Scale 0=will not occur, 10=has occurred or definitely will occur.

9. Please explain your answers about the amount and likelihood of change in the [pipe from Q6] condition.

10. Do you anticipate further change in (pipe from Q6) effects beyond ten years?

- Yes (describe)
- No
- Uncertain

11. Please explain your response.

12. Were there benefits from the facilitated process that were not part of the agreement?

- Yes (describe below)
- No

13. Did the process break an impasse on this matter?

- Yes
- No (to 8)
- Don't know (to 8)

14. How important was breaking the impasse to the overall result of the process?

[0=Not at all, 10=Essential]

15. To what extent was there change over the course of the process in the ability of participants to work together on this matter and in your level of trust in each other?

	Much improved	Somewhat improved	About the same	Somewhat worse	Much worse
Change in our ability to work together cooperatively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Change in our trust of each other.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use this space if you wish to elaborate on changes in the levels of cooperation and trust. _____

16. Did you participate in developing the approach for the facilitated process (e.g., agenda setting, meeting frequency and location, ground rules)?

- I/we participated and my participation was appropriate
- I/we participated and my participation was unnecessary
- I/we participated and my participation was insufficient
- I/we declined to participate
- I was/we were unable to participate
- My/our participation was unnecessary
- Other (please describe)

17. Please rate your level of agreement with the following about the early phases of the facilitated process.

Scale 0=Not at all, 10=Completely.

- a. I/we had a good understanding of the process from the outset.
- b. I was/we were able to assess the risks, costs, and benefits associated with participating in the facilitated process from the outset.
- c. Early discussions with the facilitator were critical in helping me/us understand how a facilitated process might serve my/our interests.

18. Use this space if you wish to elaborate on your answers to any of these questions.

19. Please rate your level of agreement with the following about the participants:

Scale 0=Not at all, 10=Completely.

- a. The participants, as a group, represented all affected concerns.
- b. The participants had sufficient authority to make commitments on behalf of their organizations.
- c. The participants continued to be engaged so long as their involvement was needed.
- d. I/we had the resources (e.g., time, money) needed to participate effectively in the process.

20. Use this space if you wish to elaborate on your answers to any of these questions.

21. Please rate your level of agreement with the following about the process:

Scale 0=Not at all, 10=Completely.

- a. The process enabled me to gain a good understanding of the issues important to the other participants.
- b. The process enabled me to gain a good understanding why issues addressed in the process were important to other participants.
- c. The issues addressed in this process were all worthy of our consideration.
- d. The process enabled participants to be civil to each other.

e. This was an appropriate process to address the matter.

22. Use this space if you wish to elaborate on your answers to any of these questions.

23. Please rate your level of agreement with the following about the information and issues:

Scale 0=Not at all, 10=Completely

- a. The information used was good enough for the discussions and agreements
- b. I/we understood all of the technical discussions sufficiently to represent my/our interests.
- c. The process helped us identify the key issues that had to be addressed.
- d. The participants focused primarily on the key issues once they were identified.
- e. The other participants listened to me/us.
- f. The other participants respected the views I/we expressed.

24. Use this space if you wish to elaborate on your answers to any of these questions.

25. Please rate your level of agreement with the following about the facilitator:

Scale 0=Not at all, 10=Completely

- a. When needed the facilitator helped us find ways to move forward constructively.
- b. The facilitator dealt with all participants fairly.
- c. I trusted the facilitator.
- d. The facilitator ensured my/our views and perspectives were considered in the process.
- e. The facilitator helped participants test the practicality of the options under discussion.

26. Use this space if you wish to elaborate on your answers to any of these questions.

27. Please rate your agreement with the following statement: Private communications I had with the facilitator that did not include all participants (e.g., a private caucus) were important for advancing the process.

[0=Do not agree at all, 10=Agree completely, NA]

28. Please rate your agreement with the following statements about whether you would recommend a facilitated process and this facilitator to colleagues in a similar situation? Scale 0=Do not agree at all, 10=Agree completely, NA

- a. I would recommend this type of facilitated process to colleagues in a similar situation.
- b. I would recommend this facilitator to colleagues in a similar situation.

29. What is your estimate of the total time period in weeks for the facilitated process, from the time your organization started working with the facilitator to the conclusion of the facilitated process? This is the elapsed time from beginning to end, including any inactive time

A ROUGH ESTIMATE IS FINE. INCLUDE ACTIVITIES PREPARING FOR AND PARTICIPATING IN NEGOTIATION, TRAVEL, MEETINGS WITH THE FACILITATOR AND OTHER PARTIES, AND OTHER ACTIVITIES RELATED TO THE FACILITATED PROCESS. YOU MAY ENTER "DK" IF YOU CAN NOT PROVIDE AN ESTIMATE.

Total number of weeks (or DK) _____

30. Please consider a typical week during the time your organization was negotiating with the assistance of the facilitator.

How many staff members (including you, but excluding any employees serving as facilitators) were involved directly in the facilitated process as a regular part of the case team?

INCLUDE ACTIVITIES PREPARING FOR AND PARTICIPATING IN NEGOTIATION, TRAVEL, MEETINGS WITH THE FACILITATOR AND OTHER PARTIES, AND OTHER ACTIVITIES RELATED TO THE FACILITATED PROCESS.

Radio buttons 1 (only myself) through 10 or more with Don't Know

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The next two questions help us to calculate the amount of time the case lead (you or someone else) spent actively working with the facilitator or other parties in the facilitated process.

You will be asked about:

- the number of weeks the case lead was actively involved in the facilitated process (excluding inactive periods); and
- the number of hours in a typical week the case lead was actively involved in the facilitated process.

We will multiply these two numbers together to generate a rough estimate of the amount of time your organization's case lead spent on the process.

We recognize that there can be considerable uncertainty about these values. Without you providing both numbers we cannot produce the needed estimate of time spent during the facilitated process for your organization.

Please make every effort to provide estimates of weeks and hours in the following two questions.

31. For how many weeks was your organization's staff lead (you or someone else) actively involved in working with the facilitator or other parties during the facilitated process (excluding any less intensive periods)?

YOU MAY ENTER "DK" IF YOU CAN NOT PROVIDE AN ESTIMATE.

Total number of weeks the facilitated process was active (or DK) _____

32. How many hours did your organization's staff lead (you or someone else) spend on the facilitated process over the course of a typical week in which you were actively working with the facilitator or other parties (excluding less intensive periods)?

IF YOU DON'T THINK YOU HAD A TYPICAL WEEK, PLEASE DO YOUR BEST TO PROVIDE A ROUGH ESTIMATE OF YOUR AVERAGE WEEKLY TIME COMMITMENT WHEN YOU WERE ACTIVELY INVOLVED IN THE FACILITATED PROCESS.

INCLUDE ACTIVITIES PREPARING FOR AND PARTICIPATING IN NEGOTIATION, TRAVEL, MEETINGS WITH THE FACILITATOR AND OTHER PARTIES, AND OTHER ACTIVITIES RELATED TO THE FACILITATED PROCESS.

HOURS SPENT IN A TYPICAL ACTIVE WEEK BY YOU DURING THE FACILITATED PROCESS

1-5 HOURS 6-10 HOURS 11-15 HOURS 16-20 HOURS 21-25 HOURS 26-30 HOURS
 31-35 HOURS 36-40 HOURS 41-50 HOURS OVER 50 HOURS DON'T KNOW

33. Were there important costs in addition to staff time to your organization associated with the facilitated process?

- Yes
- No (GO TO 43)
- Not certain (GO TO 43)

34. What were these additional costs for? PLEASE USE THE LIST BELOW TO IDENTIFY THE IMPORTANT SOURCES OF THESE COSTS.

Largest cost	
Next largest cost	
Third largest cost	
Fourth largest cost	
Fifth largest cost	

35. **Please estimate the total of these additional costs you identified above.**

- Under \$10,000
- \$10,001-\$25,000
- \$25,001-\$50,000
- \$50,001-\$75,000
- \$75,001-\$100,000
- \$100,001-\$250,000
- Over \$250,000

36. **If you and the other party(ies) had not used a facilitated process what is the alternative decision making process that would most likely have been used to reach an agreement or decision the matter? In responding to this question, please choose the most likely alternative forum/entity to the facilitated process that would have produced a decision or agreement on the same matter, regardless of whether that agreement or decision might be later appealed in other forums.**

- We would have reached a negotiated agreement/settlement with other party(ies) without the assistance of a facilitator.
- A court would have issued a ruling to decide the matter before any other appeals occurred.
- The case would have been withdrawn from the court before a ruling was issued.
- Other (please describe)

WE WOULD LIKE YOU TO NOW CONSIDER THE AMOUNT OF TIME THAT WOULD LIKELY HAVE BEEN REQUIRED IF THE DECISION HAD BEEN MADE BY [Q36] INSTEAD OF BY THE PARTIES USING THE FACILITATED PROCESS.

37. **If the decision or agreement had been made in the alternative process you selected (i.e., [Q36]) what is your estimate of the total time period in weeks for the facilitated process? This is the elapsed time from beginning to end, including any inactive time**

A ROUGH ESTIMATE IS FINE. INCLUDE ACTIVITIES PREPARING FOR TRAVEL AND MEETINGS, AND OTHER ACTIVITIES RELATED TO THE PROCESS. YOU MAY ENTER "DK" IF YOU CAN NOT PROVIDE AN ESTIMATE.

Please estimate the total number of weeks (or don't know) _____

38. **If the decision or agreement had been made in the alternative process you selected (i.e., [Q36]) please consider a typical week during the time your organization would have been actively involved in the process.**

Please estimate how many staff members (including you, but excluding any employees serving as facilitators) would have been involved directly in the alternative process you selected as a regular part of the case team?

INCLUDE ACTIVITIES PREPARING FOR TRAVEL AND MEETINGS, AND OTHER ACTIVITIES RELATED TO THE PROCESS. YOU MAY ENTER "DK" IF YOU CAN NOT PROVIDE AN ESTIMATE.

Radio buttons 1 (only myself) through 10 or more with DK

39. Please estimate how many weeks you would have (you or someone else) have been actively involved in the alternative process you selected (i.e., [Q36])(excluding any less intensive periods)?

YOU MAY ENTER "DK" IF YOU CAN NOT PROVIDE AN ESTIMATE.

Total number of weeks the [Q36] process was active (or DK) _____

40. How many hours would your organization's staff lead (you or someone else) have spent over the course of a typical week in which you were actively working on the alternative process you selected (i.e., [Q36]), excluding less intensive periods?

IF YOU DON'T THINK YOU HAD A TYPICAL WEEK, PLEASE DO YOUR BEST TO PROVIDE A ROUGH ESTIMATE OF YOUR AVERAGE WEEKLY TIME COMMITMENT WHEN YOU WERE ACTIVELY INVOLVED IN THE PROCESS.

INCLUDE ACTIVITIES PREPARING FOR TRAVEL AND MEETINGS, AND OTHER ACTIVITIES RELATED TO THE PROCESS. YOU MAY ENTER "DK" IF YOU CAN NOT PROVIDE AN ESTIMATE.

HOURS SPENT IN A TYPICAL ACTIVE WEEK BY YOU DURING THE PROCESS

1-5 HOURS	6-10 HOURS	11-15 HOURS	16-20 HOURS	21-25 HOURS	26-30 HOURS
31-35 HOURS	36-40 HOURS	41-50 HOURS	OVER 50 HOURS	DON'T KNOW	

41. If the alternative process you selected (i.e., [Q36]) had been used instead of the facilitated process for this case what is your estimate of the total costs using that process other than the cost of staff time?

- Under \$10,000
- \$10,001-\$25,000
- \$25,001-\$50,000
- \$50,001-\$75,000
- \$75,001-\$100,000
- \$100,001-\$250,000
- Over \$250,000

42. Imagine the [pipe selected response from Q6] condition that would have occurred during the first ten years after a decision or agreement from the alternative process you identified above (i.e., [pipe Q36]). Would the [pipe selected response from Q6] condition be better or worse than existed before you began the facilitated process?

Please indicate the extent to which the decision or agreement from the alternative process would have produced a better or worse [pipe selected response from Q16] condition than what existed before the facilitated process began.

Scale -4 to +4 with -4=significantly worse and +4=significantly better

43. How likely would the result you indicated in Q42 be for the [pipe from Q6] condition be during the first ten years after a decision or agreement from the alternative process?

Scale 0=would not occur, 10=would have already occurred or definitely would occur.

44. **Please explain your answers about the amount and likelihood of change in the [pipe from Q6] condition following the alternative process (i.e., [pipe Q36]) and agreement/decision.**

45. **Would you anticipate further change in (pipe from Q6) effects beyond ten years following the alternative process?**

- Yes (describe)
- No
- Uncertain

46. **Please explain your response.**

The next several questions ask for your views about how the facilitated process and the alternative you selected above (i.e., [Q36]) would compare.

47. **Please consider how the total costs (time and expenses) of the facilitated process compare with the potential costs of the alternative that you identified in the previous question (i.e.,[Q36]).**

The facilitated process was likely CHECK ONE:

- Significantly more costly than the alternative
- Somewhat more costly that the alternative
- Costs were about the same
- Somewhat less costly that the alternative
- Significantly less costly than the alternative
- Don't know

48. **How do you think the facilitated process would compare with the alternative that you selected (i.e.,[Q36])?**

[0=Not at all, 10=Completely]

- a. The facilitated process better served the interests of my/our organization.
- b. The facilitated process resulted in more timely decisions and implementation
- c. The participants are more likely to be able to work together in the future on matters related to this case.
- d. The agreement we reached through the facilitated process is less likely to be challenged.
- e. The agreement we reached through the facilitated process is better for us.

49. **In your view, what is the greatest advantage and disadvantage that the agreement from the facilitated process provided compared to what would have been possible with the alternative process you selected (i.e., [Q36])?**

Greatest advantage

Greatest disadvantage

50. What is your top suggestion on how the facilitated process could have been improved?

PLEASE WRITE "NONE" IF YOU FEEL THIS PROCESS COULD NOT HAVE BEEN IMPROVED.

51. Please use the space below for any additional comments you would like to make.

Thank you for taking the time to complete this questionnaire.

PERSONS WITH DISABILITIES WHO REQUIRE ALTERNATIVE MEANS FOR COMMUNICATION OF PROGRAM EVALUATION INFORMATION SHOULD CONTACT THE CPRC OFFICE.

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