

Mobile Online Dispute Resolution Tools: Potential Applications for Government Offices

Stephanie Gustin, Master of Arts in Dispute Resolution candidate

School of Public Administration

University of Victoria

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Client: Suzanne Stewart, Client Solutions Manager and Ashley Moore, Conflict Management Consultant, ProActive ReSolutions

Supervisor: Dr. Kimberly Speers, Assistant Teaching Professor, School of Public Administration

Second Reader: Dr. Norman Dolan, Adjunct Assistant Professor, School of Public Administration

Chair: Dr. Lynda Gagné, Assistant Professor, School of Public Administration

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Executive Summary

Online communication practices have become intrinsic to government work environments. Understanding the impact of these practices, whether they are general computer mediated communication (CMC) or specifically online dispute resolution (ODR) processes, is an essential step in supporting respectful and healthy work environments. Academic and non-academic ODR literature focuses almost exclusively on ecommerce, leaving large gaps in the body of knowledge as ODR is being used in increasingly diverse ways. Available ODR tools, which simply transpose traditional alternative dispute resolution (ADR) processes online through the use of office videoconferencing systems, are not mobile and do not utilize the full capabilities of the existing technology. This research project explores the potential impacts mobile ODR (MODR) tools could have on the interventions ProActive ReSolutions provides to their government clients. It takes into consideration how receptive participants are to MODR tools and how those tools might impact relational aspects of dispute resolution. The project finds that government clients welcome the introduction of MODR tools to provide support for existing ProActive ReSolutions interventions and recommends that the company explore interest in virtual mediation systems among their entire client base.

Methodology

This project used an exploratory research model using grounded theory. A literature review was conducted to provide a background understanding of the state of the field of ODR and to assist in the development of the interview questions. Telephone interviews were conducted with nine Canadian and Australian government employees who are current clients of ProActive ReSolutions and who have had experience with the company's conflict intervention services and organizational compliance training. Study participants were invited to introduce topics into the interviews in order to ensure the conversations remained relevant to their specific areas of interest and concern. Interviews were recorded, transcribed, coded and analysed to identify key themes.

Key Results

Study findings demonstrate a common interest in the introduction of education-oriented MODR tools as a supplementary support tool with the purposes of knowledge retention and further skills development following ProActive ReSolutions training interventions. How participants would like to see ODR/MODR tools introduced to ProActive ReSolutions' services vary according to the individuals' past experiences and the operations of their offices. While all participants were open to an education MODR tool, a small minority of participants were also interested in ODR applications for mediation scenarios.

Interview analysis revealed six major themes: a general level of receptivity to ODR/MODR tools (contingent on the continuance of existing in-person services), limited exposure to ODR

processes, clear concern about weaknesses of online communication, an ability to develop and maintain trusting relationships through the use of online communication tools, commonly desired MODR tool features, and an interest in education tools for dispute prevention. Findings suggest that workplace attitudes toward online communication and ODR have a significant impact on the extent to which individuals successfully develop and maintain relationships fully or partially through CMC use.

As clients desired an MODR tool that would support the specific training services provided by ProActive ReSolutions, there were no truly comparable tools available on the public market. The project examined online education platforms that offered dispute resolution courses, as well as the tools currently marketed to dispute resolution professionals who conduct online mediations. It found that some of these tools had the potential to meet the needs of ProActive ReSolutions clients who were interested in ODR tools for resolving active disputes but, unsurprisingly, would be unable to support clients in maintaining and further developing ProActive ReSolutions' set of dispute resolution skills.

Recommendations

This project recommends three actions ProActive ReSolutions can undertake to introduce MODR tools to their services while continuing to meet the needs of their clients:

- (1) continue to provide in-person training and intervention services,
- (2) develop and introduce a MODR tool to assist with knowledge retention and skills development,
- (3) and explore interest in virtual mediation systems amongst their larger client base.

These recommendations will protect the services valued by clients while allowing ProActive ReSolutions to expand their services to remain innovative in a rapidly evolving field.

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1.0 Introduction

Nearly all jobs now involve some form of digital technology use, and it is normal for work-related relationships to be developed and maintained using digital tools (Lupton, 2015, 1-2). Digital technology use can simply mean that individuals communicate with each other using e-mail, smartphones, social media platforms or other platforms designed for and within a specific organization. The field of dispute resolution has evolved alongside this use of digital technology. Online Dispute Resolution (ODR) is a relatively new and quickly evolving sub-category of dispute resolution. Research conducted to date is largely limited to ODR applications within e-commerce settings, however a rapidly growing variety of scenarios now use ODR tools.

The purpose of this project is to explore the potential impact of mobile ODR (MODR) tools on the interventions provided by ProActive ReSolutions to their government clients. The primary research question proposed is how could MODR tools enhance the dispute intervention services currently provided to government clients. The research also explores the following:

- Assess how receptive ProActive Resolutions' government clients are to the use of MODR tools.
- Establish an understanding of how ODR tools impact the relationship building aspects of dispute resolution.
- Identify any ODR tools currently on the market that might address the needs of ProActive ReSolutions and its clients.

1.1 Problem Definition and Background

ODR is becoming increasingly relevant to workplace dispute and conflict prevention services as technological abilities rapidly advance and are applied in increasingly varied ways, however academic research has struggled to keep pace with the realities of the field. ProActive ReSolutions needs to understand how ODR tools might impact the services they provide and how ODR could be applied to better meet the needs of their clients. This knowledge is necessary in order to provide their clients with the best services possible and to maintain a competitive edge in the delivery of dispute prevention and resolution services.

ODR refers to dispute resolution undertaken with the assistance of a range of technologies. The use of these technologies in assisting dispute resolution varies, ranging from passive technologies which merely assist in communication to active technologies which integrate artificial intelligence (AI) based problem solving techniques to assist in finding a solution (Carneiro, Novais, Andrade, Zeleznikow & Neves, 2014, 214). While traditional dispute resolution typically has three parties – two disputants and a mediator – AI assisted ODR has introduced the technological element as a fourth party (Carneiro et al., 2014, 214).

The development of ODR has generally been broken down into four phases (Mania, 2015; Katsh and Rifkin, 2001). ODR is intrinsically connected to the internet and these phases have been heavily influenced by the evolving capabilities and applications of the internet (Ebner and Zeleznikow, 2016, 298). The first phase, from 1990-1996, was a test period in which amateur applications of technology were applied to traditional dispute resolution practices. ODR application in this phase was limited to disputes generated in online interactions. Commercial ODR services were introduced in the second phase from 1997-1998. During the third phase, from 1999-2000, companies began introducing electronic DR tools and ODR became a viable business. Most of the tools introduced in this phase are no longer available on the market. The fourth and ongoing phase has seen the introduction of ODR to courts, administrative authorities and governments, as well as its continued use within the online community (Mania, 2015, 77). This final phase recognizes the potential benefits of applying ODR to both offline and online generated disputes.

There are two generations of ODR systems, both identified by how the dispute resolution process uses the technology. First generation ODR systems use technology to support a process in which human disputants remain the central generators of solutions. The second generation uses technological tools for idea generation, planning and decision-making (Carneiro et al., 2014, 214-215). Essentially, first generation ODR systems treat technology as a supportive tool while it has been integrated into the analysis and resolution process in second generation systems.

ODR products are rapidly becoming commonplace tools in the resolution of disputes and conflicts, regardless of whether they were generated online or offline. ODR tools have recently been introduced by the provincial governments of British Columbia and Ontario to aid in the resolution of select civil disputes (June, 2016; Harvey, 2016; Erdle, 2015). Governments around the world have created legislation promoting the use of ODR tools, including in the European Union where ODR is applied to jurisdictional issues that have arisen out of cross-border uses of internet technologies (Clifford and Van Der Syde, 2016, 272).

1.2 Project Rationale

ODR is a new and quickly evolving sector of dispute resolution. Portable digital devices that can access the internet have become so pervasive in modern society that it is now normal for the development and maintenance of work-related relationships to at least partially use them (Lupton, 2015, 1). Dispute prevention and interventions services must adapt to this new norm within the work environment. This report explores how ODR tools might influence social factors of conflict and disputes, as a means to aid ProActive ReSolutions in providing the best client service possible through understanding how their conflict prevention and management services could integrate ODR technologies.

1.3 Project Client

This report has been created for ProActive ReSolutions, a private, internationally operating company with offices in Canada, Australia and the United States. This project has been developed with their Canadian office.

The company works with organizations to help build respectful workplaces (Increase Productivity and Profitability by Building Respectful Workplaces, 2017). Their services aid in conflict prevention and repairing damaged relationships, to promote healthy and safe working environments (Increase Productivity and Profitability by Building Respectful Workplaces, 2017 ProActive ReSolutions currently offers limited online services through their Problem Solver Webinar Series (Problem Solver Webinar Series, 2017). The company does not use MODR tools currently.

Interviews have been conducted with ProActive ReSolutions clients from municipal and federal government offices in Canada, and municipal and state government offices in Australia (see Appendix A). This selection reflects the primary clientele of the company. This report focuses on their Canadian and Australian government clients but research applications are potentially also applicable to other ProActive ReSolutions clients. This report will explore the potential use of and provide recommendations for how MODR tools could be used to supplement the support currently provided to ProActive ReSolutions clients.

1.4 Relationship Building: Antecedents to Trust in Online Dispute Resolution

It is an understandable concern that online communication tools might affect human interactions. In order to assess what kinds of MODR tools would be most useful to support the work done by ProActive ReSolutions it is necessary to understand the antecedents to trust that are inherent in online communication methods.

The application of ODR tools to disputes generated in online interactions has become well established through online vendors, such as eBay's platform that as of 2016 handles approximately 60 million cases a year. (Ebner and Zeleznikow, 2016, 319). The use of ODR in disputes generated offline is less common but applications are increasing. However, there is a limited amount of existing research on the relationship between human interactions and online communication methods that can be directly applied to this study. Research conducted on the development and maintenance of trust between parties who communicate, entirely or partially, through online tools can be applied to help understand trust development in MODR. Some research in this field is limited to the development of brand loyalty (Baranov and Baranov, 2012, 15). Other studies have examined the broader relationship between ODR and trust, dialogue generation and relationship maintenance (Rule and Friedberg, 2005, 193; Shin, Pang, and Kim, 2015, 184). The literature review in Chapter 3 explores this topic further.

1.5 Key Terms

There are numerous terms common to the discussion of dispute resolution and online dispute resolution that have a variety of different definitions. This section will define the meanings of the following terms as they are used in this report.

- **Online Dispute Resolution:** Dispute resolution processes that are conducted, partially or entirely, through the use of online tools. These include, but are not limited to, email, telephone, videoconferencing, and online-based mediation or arbitration services (Katsh and Rifkin, 2001, 10).
- **Mobile Online Dispute Resolution Tools:** Portable tools that assist in dispute resolution and prevention, that can be operated by individual users on individual computers, tablets and phones.
- **Dispute:** Disagreements over content, in which the parties agree on what the end result should be but where they disagree on how to obtain the result (S. Stewart, personal communication, December 22, 2016; Sloan and Chicanot, 2009, 5).
- **Conflict:** A broken relationship, in which there is no problem-solving focus. Negative associations are common, such as feelings of distrust or anger (S. Stewart, personal communication, December 22, 2016; Sloan and Chicanot, 2009, 4).
- **Internet (or Digital) Technologies:** This is a term commonly found in the literature that refers to internet-based communications technologies. These include, but are not limited to, email, videoconferencing, and websites. (Thompson, 2014, 2-4, Rabinovich-Eiby and Katsh, 2014, 22-23).
- **Computer Mediated Communication (CMC):** This report identifies CMC as synchronous or asynchronous communication (text, audio or visual) between two or more people via networked devices (Cemalcilar, 2008, 365).
- **Trust:** This report defines trust as a social concept that facilitates human interactions. Trust is found in relationships that have mutual feelings of confidence that others will act fairly, respectfully and honestly in their interactions (Rule and Friedberg, 2005, 195).
- **Clients:** Within this report, the term clients will be used to refer to the government clients of ProActive ReSolutions.

1.6 Organization of Report

This chapter provided an introduction to the research subject, as well as the research question and objectives. It also gave a brief summary of the history of ODR and a description of the report's client, ProActive ReSolutions. The remainder of this report is divided into seven chapters. Chapter 2 explains and justifies the methodologies used to conduct research for this report. Chapter 3 provides an assessment of the current literature. Chapter 4 presents the findings of the participant interviews. Chapter 5 discusses the significance of the findings.

Chapter 6 looks at the abilities of the tools and systems currently on the market that might meet the needs of the clients based on the findings of the report. Chapter 7 makes recommendations for ProActive ReSolutions based on the report findings and market scan. Chapter 8 summarizes the report.

2.0 Methodology and Methods

In order to understand how ODR tools might influence social factors of conflict and disputes, this project used an exploratory research design to generate qualitative data through interviews conducted with individual clients of ProActive ReSolutions. Other methodologies employed in the study include a literature review and a scan of ODR/MODR tools currently available in the marketplace. Academic and non-academic literature from a variety of distinct fields such as law, ADR, sociology, business, commerce, and computer science is examined using the search platforms of UVic Summons and UBC Summons. Non-academic literature sources found through Google searches include law blogs, dispute resolution service provider websites and organizations' ODR tools online descriptions. This project received ethics approval from the University of Victoria (Ethics Protocol Number 17-212).

2.1 Methodology

Exploratory research is undertaken when there is little or no scientific knowledge about the topic, and requires flexibility and open-mindedness in locating and collecting data (Stebbins, 2001, 6). Studies of this type are described as concatenated research as they link together numerous research processes and fields of study in order to generate an inductive – or grounded – theory (Stebbins, 2001, 12). A preliminary assessment indicated a limited amount of available research in the field of ODR. As a result, an exploratory approach was selected as the optimal means of providing the client with an improved familiarity with the state of MODR as a whole, as well as insight into the needs of the research participants in relation to MODR tools.

Grounded theory is a method of qualitative analysis in which theory is constructed by analyzing data generated through research, rather than first developing the theory and then collecting data in order to test the validity of a theory (Corbin, 2017, 301; Flick, 2015, 82). A unique feature of grounded theory is the inter-related processes of research analysis and data collection, known as theoretical sampling in which initial data that is collected is analysed and concepts derived from it are used to determine subsequent data collection (Corbin, 2017, 301). This is part of the theory building process – as concepts are refined, additional data is sought to help develop theory. The literature review provided the first set of data for this study; existing theories and research on online communication and ODR were used to develop interview questions (see Appendix B). It was not used to determine who would qualify to participate in the study. As this project was designed to research potential applications for ProActive ReSolutions, the participant pools were predetermined through consultation with the client.

In this study, the interview questions explored clients' receptivity to the use of MODR tools and how ODR tools have impacted relationship building aspects of dispute resolution in the clients' experiences. By analysing the data generated through interviews, it is possible to identify features of ODR/MODR tools that have been helpful or harmful to the purposes of dispute

resolution and dispute prevention. A scan of ODR tools which are currently available is conducted to see if and how existing tools might address the needs of the clients. Data from interviews and the scan is used to create recommendations for ProActive ReSolutions regarding the potential development of a MODR tool.

Employing less structured interviews allowed the questions and discussion to follow the natural direction of conversation (Birks and Mills, 2011, 75). Using this approach enabled research participants to introduce ideas they felt relevant and facilitated discussion between researcher and participant that could generate additional concepts, while also allowing for the collection of specific data. Following the grounded theory model, concepts that emerged through conversation between participant and researcher that were relevant to the study were incorporated into subsequent interviews. This style of concept generation allowed the researcher to assess potential ideas based on the receptivity of multiple clients.

All research participants were employed either by the Canadian municipal and federal governments or Australian municipal and state governments. Individuals employed by any level of government in either country could participate. Individuals were selected to participate in the study due to their experience receiving conflict intervention services and organizational compliance training from ProActive ReSolutions (see Appendices A and C). Some participants specialized in dispute and conflict resolution, although this was not relevant to the selection process. Participants from within the same office were permitted to take part in the study, as experiences and opinions were considered unique to the individual. This participant pool allowed the interviewer to interact with a variety of perspectives on what styles of MODR tools might best compliment the services provided by the client.

2.2 Interview Analysis

All interviews were conducted via telephone and were documented using audio-recording and typed notes. Each interview was analysed to identify concepts that were incorporated into subsequent interviews. Interviews were transcribed using HyperTranscribe and analysed using HyperResearch, a trend analysis software used to assist in tracking and identifying themes and concepts in the transcripts.

Participants' receptivity to MODR tools, building and maintaining working relationships through online tools and any other experience they had had with ODR tools were covered in the interview questions. Participants were also asked whether the use of online communication tools impacted trust between individuals or groups and if so how that occurred.

Data collected through interviews was analysed using a comparative thematic analysis model that supported the comparison of different interview responses to specific topics while also allowing a holistic overview of the data set (Flick, 2014, 184-185). Each interview was initially coded immediately following transcription and before subsequent interviews, and codes were

constantly compared to other codes or categories. This is known as concurrent data generation and is a key aspect of grounded theory (Birks and Mills, 2011, 10-11).

Data coding in grounded theory occurs in three stages. Important terms are identified in initial coding, the first step of data analysis (Birks and Mills, 2011, 9). Transcripts from interviews with the nine participants were analysed and 96 initial codes were identified (see Appendix D). Some of these codes were found repeatedly in multiple interviews while others only appeared in one interview. Initial codes are simply descriptive phrases or key words pulled from the interview transcripts. The 96 codes were applied a total of 1103 times in the data set.

Intermediate coding develops categories by connecting multiple codes and links those categories together (Birks and Mills, 2011, 12). Data that was fractured into codes during initial coding is reconnected to develop abstract concepts or categories in intermediate coding (Birks and Mills, 2011, 12). These categories identify themes within the data set for the purposes of analysis and do not reflect the final number of codes found in phase three. The 96 codes identified during the initial coding phase were categorized into nine different groups during intermediate coding (see Appendix E). There were eight significant groups that organized codes into those that addressed the topics of client receptivity, trust, relationship building, technology and technological abilities, communication platforms, the impact of geography, workplace dispute resolution systems, and past ODR experience. The ninth group contained three miscellaneous codes that did not fit into the other eight groups.

Categories are then placed within a larger narrative, situating the findings of the research into the context of a larger body of knowledge during advanced coding, the final stage (Birks and Mills, 2011, 12). The abstracted categories created during intermediate coding were compiled into six topics that can be situated within the narrative of the literature review and applied to the development of a MODR tool. Multiple abstracted categories fed into each topic. These six topics will be discussed in the Findings (Chapter 4).

2.3 Limitations

The results of this study will be most pertinent to Canadian and Australian government offices, as the project relied heavily on interviews conducted with those employees. To allow for precise recommendations to be made based on the needs of ProActive ReSolutions' primary clientele, the study focused on this specific and narrow demographic. The client is primarily interested in information that will allow them to embrace MODR technologies to enhance their existing client-oriented services. The limited ability to generalize the results of this study is therefore justified by the ability of a narrower study to provide customized options tailored to the needs of ProActive ReSolutions and their clients.

This study makes its recommendations with the knowledge that users of a potential MODR tool will be government employees who are working with or have worked with ProActive ReSolutions. However, some of the findings of the study have potential applications for non-

government offices and to individuals who have not received ProActive ReSolutions interventions. There were a variety of different office environments present within the participant pool and interviews largely addressed issues and experiences likely to occur in most office workplaces. The literature review also considered general ODR practices that could be more widely applied.

Interview candidates were required to contact the researcher directly if interested in the study due to limitations on participant recruitment placed on this project by the Human Research Ethics Board. This measure was put in place to protect their anonymity and mitigate possible pressure on ProActive ReSolutions clients to participate in the study.

The number of respondents was relatively low although the client facilitated access to appropriate participants. The project initially proposed interviewing ten Canadian and ten Australian participants. A total of nine interviews were conducted over a nine month period. A number of initial respondents to the study did not participate. Two individuals who expressed a keen interest in participating did not qualify under the parameters laid out for participant selection. An additional three participants initially agreed to be interviewed but withdrew without returning a consent form or scheduling an interview. Of the nine participants who were interviewed, Canadian municipal and federal offices employed seven while Australian municipal and state offices employed the other two. Although the numbers were sufficient for the purposes of exploring the participants' needs and receptivity towards MODR tools, interviews were heavily weighted towards Canadian government offices. The lower response rate from Australia could be due to the difficulties of recruiting from afar, as ProActive ReSolutions' Canadian office was the project client.

3.0 Literature Review

The literature review provides a general understanding of online relationship building and how ODR is using technology. The body of ODR literature is limited and does not specifically address trust and relationship building in ODR settings. The review included literature written outside the field that focused generally on online communication to compensate for this deficiency. The various academic opinions on trust, relationship building and artificial intelligence (AI) found in the literature are assessed in this chapter. It provides a brief summary of ODR tools currently available and concludes by noting the gaps that exist in the academic body of literature for this subject.

First recognized as a practice area by the International Institute for Conflict Prevention and Resolution in 2012, the field of ODR is still in its infancy (Ebner and Zeleznikow, 2016, 298). What should be included in the scope of ODR in general is a subject of ongoing disagreement. Different definitions of its subcategories also persist, such as what counts as computer mediated communication (CMC) (Davis and Mason, 2008, 635; Cemalcilar, 2008, 375). The ambiguity, while partially due to the newness of the field, is unlikely to dissipate entirely as ODR becomes more developed. This is due to the ongoing evolution of computer technologies and the continuously changing ways in which we conceptualize and apply these tools to dispute resolution. The literature review has drawn from sources with a variety of definitions of ODR that will be discussed in this chapter. The definition of ODR provided in section 1.5 is the only definition used by this report.

The literature review relied on UVIC Summons, UBC summons and Google to locate sources. Additional relevant sources were found in the source bibliographies. News articles, product websites and blogs were consulted in addition to academic literature. Terms searched included “online dispute resolution,” “ODR,” “mobile online dispute resolution,” “online mediation,” “building relationships online,” and “trust development.”

3.1 Major Works

“An online dispute resolution process will not be something that appears fully grown on a single date but rather something that evolves; not only in the capabilities that are built into it, not only in our use of it, but in how we think about it” (Katsh and Rifkin, 2001, 11).

As it stands, there is an insufficient body of literature focused on the topic of ODR tools and virtually nothing written about MODR specifically. Katsh and Rifkin’s book, *Online Dispute Resolution: Resolving Conflicts in Cyberspace* (2001), continues to be the most frequently referenced work in the literature despite its age and the changes that have occurred in ODR since its publication. This report has therefore identified relevant sections of literature from other fields to analyse for the purpose of this project. The literature review focuses on writings that address the effectiveness and impact of online communication, the ways in which

individuals develop and maintain relationships either partially or entirely through online tools, and the role of trust in CMC. Literature about the recent applications of ODR to disputes generated both online and offline, in government and non-government settings has also been considered.

Online Dispute Resolution remains the seminal body of literature written on ODR. Authors continue to use it as a point of reference and many predictions have come true or align with the direction ODR is moving today, despite a seventeen year old publication date. Although it is not completely dated, the fact that this piece of literature was written so long ago and that no other body of work has surpassed it in importance highlights the insufficient academic research on this topic. Katsh and Rifkin outlined three fundamental building blocks required in any successful ODR system: convenience, trust, and expertise. They argue that there is no objective way to measure these factors which typically influence one another. This means that strengthening one building block may weaken another (Katsh and Rifkin, 2001, 75-76). For example, if relying on an extensive amount of expert knowledge is required, the system may become more difficult for the average user to navigate. Such a tool would trade convenience for expertise.

It is therefore important during design to pay attention to these factors and to carefully consider which are most essential to resolving the problems the ODR system addresses. The authors consider trust to be an uncontrollable factor due to inherent difficulties with identity verification online and is often underestimated (Katsh and Rifkin, 2001, 85). Following the publication of the book the advent of readily available video tools and pervasive practices of online communication have greatly mitigated this last concern. Attitudes towards CMC have evolved to the point where trust is no longer uncontrollable, due largely to discussion occurring online. The role of trust and methods of influencing it are discussed further in section 3.3.

The Canadian online legal magazine, *SLAW*, is a publically available resource for articles that address the topic of ODR. Articles relevant to this project are opinion pieces offering commentary on recent developments and applications of ODR in Canada. A 2015 article argued that ODR is no longer an appropriate term for the practices it is being used to describe; this article demonstrates the difficulties academic literature is facing as it attempts to keep up with the rate of development in the field. The article argued ODR was originally conceived of as ADR practices transferred onto the internet (Benyekhlef and Vermeys, October 2015). The article highlights the disadvantage potential users face in not understanding the options and benefits available to them through modern ODR tools and systems. It proposes that technology assisted dispute resolution systems/services (TARDIS) would be a more accurate acronym for what ODR has become (Benyekhlef and Vermeys, October 2015). This is a rare instance where Katsh and Rifkin's conceptualization of ODR is challenged. Benyekhlef and Vermeys also claim that ODR proponents rely too frequently on eBay as an example of a successful ODR system despite the company's switch to a chargeback system. They argue eBay no longer provides a negotiation-mediation-arbitration model of dispute resolution. However, as of 2015, eBay has been working

with Modria, a market leader in online mediation and arbitration that employs a large range of online tools (Mania, 2015, 78). eBay is still involved in ODR practices although it is no longer leading innovation. There are other similar but less well-known examples of successful ODR systems, such as Money Claims Online System out of the United Kingdom (Thompson, 2014, 3).

The limited pool of specialized academics producing books on the topic has hindered the development and maintenance of a relevant body of ODR literature. In 2014, the International Journal of Online Dispute Resolution (IJODR) was created; it is the first academic journal established that is dedicated to providing a forum for discussion and theory building in the ODR field (Wahab, 2014, 3). The introduction of a regularly published journal provides a way for the literature to keep pace with the development of the field. It is worth noting that Katsh is one of the journal's three Editors-in-Chief. This highlights how small the pool of significant ODR researchers remains. The IJODR is a small journal, the first issue containing only four articles. However, the existence of this journal indicates that research in this field is continuing to develop. It provides ODR specific research and theory development. The publication aims to promote ODR systems that can easily integrate into existing legal and ADR processes by bringing together individuals from a variety of fields such as the internet industry, government, judiciary, banking systems, consumer groups, and the academic and technical communities (Eleven International Publishing, 2018). The full text of this journal is not currently available through the University of Victoria's library resources. Data for the purposes of this project was drawn from the publically available first issue and the University of Victoria's indexing information.

3.2 Developing and Maintaining Relationships Using Computer Mediated Communication

Excluding the sources described above, most of the limited ODR literature is written from the perspective of organization-customer relations, with a strong focus on the establishment of customer loyalty (Baranov and Baranov, 2012, 15; Shin, Pang and Kim, 2015, 188). No literature was found that explicitly addressed the topic of relationship building between individuals in ODR scenarios. However, many of the insights into online organisation-customer relationships should be transferable to interpersonal relationship building. This section considers the relationship cultivation strategies put forward by the literature. Trust building, a major factor in relationship building online, will be addressed separately in section 2.3.

Cemalcilar, who strongly supports CMC, notes that there are mixed attitudes towards its potential impact on social interactions (Cemalcilar, 2008, 366). From one perspective online communication blocks the reception of social and contextual cues, meaning that it is harder to establish and maintain relationships. From another perspective it is supplemental to social interactions, providing new options for communicating over great distances.

CMC is now a ubiquitous method of maintaining relationships, demonstrated by the fact that interpersonal communication is the number one use of home computers. However, types of

computer usage is inconsistent with differences primarily linked to generational factors (Cemalcilar, 2008, 365-366). Younger generations are much more likely to communicate extensively online than are the older generations. This information indicates two things. First, CMC can be a powerful tool for relationship building through ODR/MODR. Second, differences in attitudes and comfort of use must be considered, especially if two parties' approaches to online communication differ. Attitudes and comfort levels are different from computer illiteracy. They do not inhibit communication itself but may impact the information individuals are willing to share. These factors can also impact how parties view relationships developed online as opposed to in-person.

The literature indicates that ODR is underutilizing many forms of CMC, despite the high levels of online communication. Online media provide great opportunities for two-way communication and relationship building, but organizations tend to underutilize them. It is more common to establish websites as a tool for information dissemination than for generating discussion (Shin, Pang and Kim, 2015, 190). However, there has been a shift towards more interactive websites such as those used by Facebook and Twitter that have been designed specifically for two-way communication. Web 2.0 or the 'social web' refers to the prevalent social media sites and social uses of the internet (Lupton, 2015, 9). Although research on this topic is minimal, there appears to be a correlation between the importance of social media as a communication tool and usership levels. The potential impacts of using or ignoring social media opportunities intensify as more people engage through social media platforms (Shin, Pang and Kim, 2015, 191). Despite the adoption of social media, organizations tend to use them similarly to the way they use websites, as a means of one-way communication (Sin, Pang, and Kim, 2015, 184-185; Koehler, 2014, 191). These sites are not applying their interactive aspects to aid in relationship development.

The types of tools used for online communication impacts how users receive messages. Video, text and images all have their own strengths (Katsh and Rifkin, 2001, 42). Video can simulate face-to-face interactions and allow body language to play a role in discussions. Text is useful for explaining complex ideas and can be used synchronously or asynchronously. Synchronous text communication enables real-time conversations, while asynchronous allows time for parties to think carefully about their responses. Images can help show patterns and changes in the discussions over the course of time (Katsh and Rifkin, 2001, 42). The most effective combination of tools for an ODR system will differ depending on factors such as the context in which the system is used, the knowledge base of the users and the ideal desired outcome. Consider the three building blocks of convenience, trust, and expertise outlined in section 3.1. Systems with a focus on convenience could rely on images, while video and text could be more beneficial to transmit complex ideas (expertise). Videos of an expert or other significant individual could also be used to aid in the development of trust.

Individuals can access CMC tools from nearly anywhere and at any time due to the widespread access to the internet via wifi. An International Telecommunication Union Report (2013) stated

that nearly 100% of the global population now has access to a mobile phone signal and that the quality of accessible signals continues to rise (Lupton, 2015, 118; International Telecommunications Union, 2013, 3). Advances in affordable high-speed internet has allowed for quality video connections for a number of years (International Telecommunications Union, 2013, 91). It is conceivable that video quality will continue to improve as future technological development increases both the signal speed as well as the number of available devices. Despite these developments, most online mediation relies on real-time text-based communication (Maia, 2015, 79). This reflects the general consensus in the literature that ODR is not fully utilizing the available CMC.

3.3 Establishing and Maintaining Trust Online

CMC tools provide innumerable combinations of audio, visual and textual methods of communication. This combined with the range of attitudes and comfort levels experienced by users creates a highly complex environment with almost unlimited outcomes. Trust in online interactions can be defined as feeling confident that others will act fairly, respectfully, honestly and transparently (Rule and Friedberg, 2005, 195). Trust only exists were the user perceives it to be present. In these complex environments it is necessary to monitor factors that can support or diminish trust in the experience of the user. The style of CMC tools must be able to convey messages between individuals in a way that is clear. Thus it is important to think about the process of trust development when building relationships through online tools, particularly when these relationships are part of an ODR process. It is necessary to identify the antecedents of trust and an ODR system must embrace these to create opportunities for trust to develop amongst the users.

Rule and Friedberg, in their examination of the relationship between ODR and trust, argue that ODR is typically thought of as only a segment of an overarching trust building strategy (Rule and Friedberg, 2005, 193). They support the widely accepted idea that it takes time to build trust. (Rule and Friedberg, 2005, 195). Katsh and Rifkin also support this understanding of trust development, arguing that ODR itself should be applied as a trust-building tool for websites. Trust building begins with the user-interface, and requires the anticipation of questions (Katsh and Rifkin, 2001, 88; Ott, 2000, 10). Together ease of use and readily accessible information for common questions make the system useful to users and creates a sense of reliability on the part of the system provider. The authors maintain that trust improves when a website demonstrates a willingness to resolve issues through easily accessible ODR methods. The existence of an ODR tool does not imply to users that the system is problematic, rather it signals a willingness to work with users to resolve any issues that may arise. This form of trust building assumes that disputes occurring online, typically related to e-commerce, are being resolved using ODR, which is a common theme in the literature. While this project is not examining ODR for e-commerce applications, it would be remiss to dismiss the insights gleaned from this type of application.

Social Exchange Theory (SET) also addresses the establishment of trust. This theory proposes that trust builds up slowly through a series of interactions, beginning with those that have low levels of risk and require low levels of trust. By engaging in this series of exchanges, the parties demonstrate their commitment to the dispute resolution process (Chang, Cheung and Tang, 2013, 440). Chang, Cheung and Tang argue that the main source of trust comes from reputation (Chang, Cheung and Tang, 2013, 440). A trust-building mechanism based on SET could be introduced to ODR systems to help build up reputations amongst participating parties through demonstrations of credibility and levels of trustworthiness that will elevate as exchanges address increasingly important issues. SET conceives of trust as a circular construct (see figure 3.1). By delivering on low-stakes promises, a baseline of trust is established. Once a baseline exists, it becomes easier for individuals to put themselves in a place of vulnerability and to trust the other party with something more important. As this series of exchanges is designed to develop trust gradually it could be used by parties who have no real existing relationship, but also by parties who are attempting to rebuild a pre-existing but damaged relationship.

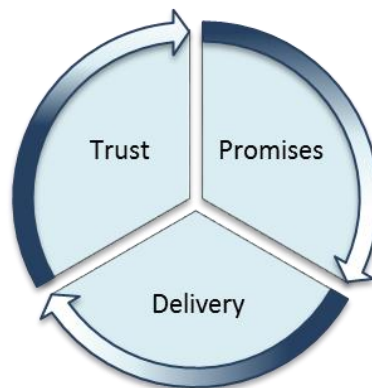


Figure 3.1: SET Trust Development Cycle

Although studies relying on empirical evidence are scarce, examples of trust development can be also be found in numerous online communities. A study conducted using American statistics for online health communities found that developing trust online relied on the users' ability to see the other's point of view, display empathic concern, and a belief in their own ability to reach a solution (Zhao, Ha and Widdows, 2013, 652). This same study emphasized the importance of cognitive and affective trust in online relationship building, which confirmed past research (Zhao, Ha and Widdows, 2013, 654). Empirical research on interpersonal trust and its antecedents is highly present in the fields of psychology and sociology (Webber, 2008, 746). Despite expanding the literature review beyond online trust development, the available research was limited.

Together cognitive trust and affective trust comprise interpersonal trust. The two types of trust are intrinsically linked but distinct from each other (Johnson and Grayson, 2005, 505). Cognitive trust is the confidence or willingness to rely on the other party. It requires a belief in

their competence and reliability (Johnson and Grayson, 2005, 501). This type of trust typically relies on reputation or past personal interactions with the other party. Affective trust relies on emotional connections. Feelings of security, a perceived strength of relationship, and demonstrations of care by the other party are antecedents to affective trust (Johnson and Grayson, 2005, 501). In interpersonal relationships, cognitive trust typically emerges first, while affective trust develops over time (Webber, 2008, 749). The development and maintenance of cognitive and affective trust best support ongoing relationships. Antecedents of trust necessary to support ongoing relationships can be identified and nurtured (see figure 3.2).

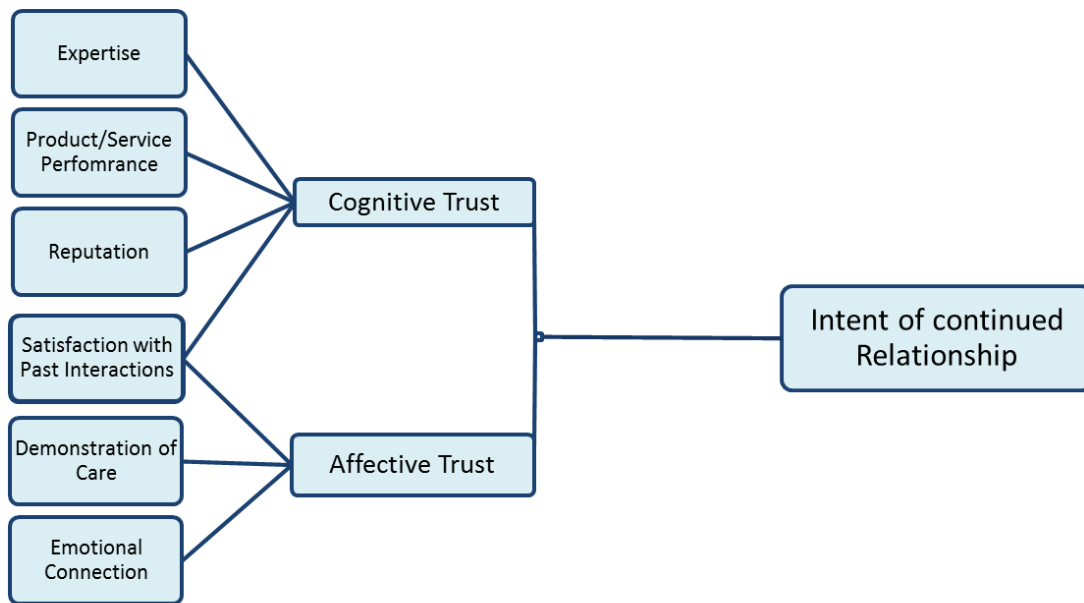


Figure 3.2: Antecedents of Trust in Ongoing Relationships

3.4 The Role of Artificial Intelligence

Artificial intelligence (AI) is a relatively recent addition to ODR, and is reflective of how the technologies have evolved. The literature displays a variety of opinions on what role AI should or should not play in ODR. The types of conflicts addressed and the formatting of ODR tools determine the role AI plays in the dispute resolution process. There two main perspectives on AI's role in intelligent dispute resolution tools. One view is that AI tools should be used to help disputants obtain the best possible outcome by augmenting existing ODR systems. This type of application has been seen in systems such as SquareTrade and CyberSettle, which offered specialized internet applications supporting online communication for disputes in the late 1990s (Mania, 2015, 77). SquareTrade, launched as a collaborative effort between eBay and the Online Ombuds Office in 1999, was one of the first commercial providers of ODR. Its system was basic, using email to communicate amongst disputants and mediators. CyberSettle,

launched in the United States a year earlier in 1998, provided a blind-bidding system and mediator services (Mania, 2015, 77-78). CyberSettle's system collected multiple settlement offers from disputants, identified the ones closest to each other and presented only those. Although users provided the system itself with a lot of information it gave the users a large degree of confidentiality from each other. The second perspective uses autonomous, intelligent software supported by knowledge bases and decision making capabilities to provide autonomous dispute resolution (Carneiro et al., 2014, 214). This view of AI as an active party in disputes is observable in programs such as SmartSettle, where AI analyses the information provided by the parties and proposes a solution or settlement (Vreeswijk, 2004, 95). When used this way, technology is considered the fourth party, going beyond what a neutral third party can do (Rabinovich-Eiby and Katsh, 2014, 26; Rainey, 2014, 40).

The capabilities of AI and the use of ODR platforms for the resolution of large numbers of disputes provide a unique dispute prevention opportunity. A number of researchers and practitioners have suggested that through gathering and analysing case data, dispute creation and resolution trends can be identified (Rainey, 2014, 54; Benou and Bitos, 2010, 8-9; Katsh and Rifkin, 2001, 130). This could allow systems to flag and intervene in minor disputes before they become major or grow into conflicts. For example, ODR systems used by eBay and Wikipedia identify common sources of problems. The structure of the website's information and services limit the possibilities of those problems occurring in the future (Rabinovich-Eiby and Katsh, 2014, 24). As of 2014, eBay's ODR system was resolving over 60 million disputes a year, 90% of which were conducted without human intervention (Rainey, 2014, 39).

Workplace dispute resolution, assisted by the data analysis capabilities of AI, is also trending towards prevention over intervention. The focus is increasingly on teaching skills rather than repairing damage (Brubaker et al., 2014, 381). Rabinovich-Eiby and Katsh, in a 2014 article for the IJODR, state that the goal of ODR systems is to combine resolution and prevention (Rabinovich-Eiby and Katsh, 2014, 24). Gathering data from disputes, or even online communications between individuals who have not yet entered into a definitive dispute, can accelerate the application and innovative use of technology as the fourth party (Rabinovich-Eiby and Katsh, 2014, 26-27). This type of mass information collection is known as big data. Commercial and non-commercial enterprises have both recognized the benefits of gathering this digitized data from routine interactions between users (Lupton, 2015, 3). For Rabinovich-Eiby and Katsh, technologically automated detection models could replace the traditional dispute resolution triage system. Instead of the three step system (naming, blaming and claiming), AI can detect disputes in a single step. The authors hold that this has the potential to combine the ideas of prevention and resolution within a single system (Rabinovich-Eiby and Katsh, 2014, 33).

As with all dispute resolution processes, privacy is a key concern for ODR. There are the typical concerns about confidentiality during mediation processes and the privacy of system users. When collecting big data, which does not differentiate between information relevant to a

specific dispute and general information, these concerns can heighten. Systems used within government agencies would require strong security measures to protect both the personal privacy of individual users and any confidential agency information stored in the system. There are additional concerns about inaccurate data being collected and how that data is being used, for instance to support unsolicited marketing (Lupton, 2015, 3, 147). Historically, AI algorithms have focused on single-machine implementations which analyse textual data from a closed system of structured data, specifically created for analysis. Big data on the other hand, increasingly includes sources of unstructured data, such as social media which introduces irrelevant or unreliable information. In order to be fully utilized, AI must be able to incorporate a group of systems (Moreno and Redondo, 2016, 60; O'Leary, 2013, 98). Collating data from multiple offices could provide greater accuracy in trend analysis, and dispute prevention by creating a larger set of reliable data. This would require the ODR system to have access to information from multiple agencies. System security would need to satisfy offices that their private information would be safe in order to attract users.

Rabinovich-Eiby and Katsh claim that ODR is challenging traditional understandings of privacy and confidentiality (Rabinovich-Eiby and Katsh, 2014, 28). The type and amount of information individuals are willing to share online is changing, and will continue to change. Lupton, in his book *Digital Sociology*, noted that some sociologists have begun to view digital technologies as intrinsic to the existence of modern mankind (Lupton, 2015, 2). All types of enterprises are recognizing the potential benefits of harvesting digital data such as demonstrating market demand and highlighting trends in users' needs and interests. However, privacy and security concerns always accompany these benefits (Lupton, 2015, 3). The more information gathered, the higher the risk if a breach of privacy or loss of data security occurs.

Overwhelmingly, authors who write on this topic appear to be in favour of some measure of AI. However, specialists and professionals alike are concerned about privacy and confidentiality in data mining, specifically, the ability of these systems to protect their users' information and anonymity. All articles emphasized the necessity of ensuring that technology does not compromise privacy and confidentiality. Users have to feel comfortable entering their information into a system or no significant benefits will emerge from the use of AI. Organizations, who would be held responsible for any data breaches, have to feel confident in the security features of the system if they are going to implement this type of tool.

3.5 Gaps in the Literature

ODR-specific literature is beginning to grow, as can be seen in the recent creation of the IJODR. At present, it is necessary to consider a wide breadth of literature in order to gain a reasonable understanding of the state of ODR. Even in a body of literature comprised of a combined set of academic and technical fields, there are major gaps. The ability to mix online and offline processes is still a majorly neglected subject in abstract discussions of ODR, which focus instead on potential benefits or drawbacks (Thompson, 2014, 2). This can be explained by the defensive

nature of much of the literature, in which ODR proponents try to emphasize the necessity of using CMC to keep dispute resolution relevant to modern communication practices and opponents defend their own more traditional methods. While the literature debates the benefits and drawbacks in the field, it struggles to keep up with rapid development, insufficiently addresses the issue of adapting ethics, and suffers from a shortage of empirical data.

Past research has not differentiated between MODR and ODR tools and there is no literature written explicitly on MODR. The differentiation between MODR and ODR is not immediately apparent. ODR tools are meant to enable disputants to interact from multiple locations and therefore all ODR tools may mistakenly be considered to be mobile. Yet there are many aspects of ODR tools that can limit their mobility. For example, complicated video-conferencing set ups commonly found in office boardrooms require a combination of computers, telephones and projectors meaning that they are realistically fixed to a single location. ODR tools which must operate on an office's intranet rather than the internet for security reasons cannot be used outside of the office. These tools are not mobile. Mobile tools are those which are accessible through portable devices wherever there is an internet connection. MODR tools are beginning to develop (see Section 3.6) but the literature has not yet caught up.

Another important gap in the literature emerges in the discussions about ethics. The ethics guides currently used for dispute resolution practices do not adequately address the use of technology. While ethical considerations used for traditional dispute resolution and alternative dispute resolution can apply to ODR, reinterpretation is necessary to adjust for the new uses of technology in this field (Rainy, 2014, 38). It is important to address this gap, especially considering the number of people who, according to the existing literature, are using ODR tools without recognizing what they are and the impact they can have on dispute resolution processes and on the creation and security of data. Recognizing when one is using ODR tools is made more complex by the variety of definitions and scopes used to delineate what constitutes ODR (Rainy, 2014, 37; Wahab, 2014, 3). There is no strict definition of the scope of ODR sufficient to provide boundaries marking when something does not count as ODR processes (Thompson, 2014, 1). Definitions of ODR range from any process that incorporates online communication to systems which resolve issues by means of online virtual spaces through to programs which use AI to produce solutions based on information entered by the parties. The definition of ODR used in this report has been kept intentionally broad, in order to allow for the consideration of a variety of MODR tools in its assessment of which options could enhance the services currently provided by ProActive ReSolutions.

Mediation service providers are increasingly relying on online tools to manage workplace conflicts and disputes but data for any kind of workplace mediation continues to be scarce. In an article on the state of workplace mediation, Bollen and Euwema found that empirical studies of its effectiveness were limited (Bollen and Euwema, 2013, 329). Their research found four books, 15 theoretical articles and 13 empirical studies on the subject. They noted

methodological difficulties in researching workplace mediation effectiveness, due to the highly personal nature of the subject (Bollen and Euwema, 2013, 348). Workplace applications of online tools range from mediations completely conducted online to hybrid processes. The difference in outcomes between online and face-to-face mediations requires further research (Bollen and Euwema, 2013, 348). The ability to collect data anonymously in ODR systems could provide important information to fill this gap in the research.

Only two (self-proclaimed) comprehensive surveys of ODR providers were found through the literature review. These were conducted in 2004 and 2010 (Tyler, 2004; Suquet, Poblet, Noriega and Gabarró, 2010). A 2004 study analysed ODR sites and services offered globally; it found that 115 ODR sites and services were on the market at that time (Tyler, 2004, 1). Tyler's survey omitted 39 sites from its assessment, notably including PayPal and Family Mediation Canada which are both still in operation today (PayPal, 2017; Family Mediation Canada, 2017). Although they are the most extensive surveys found in this literature review, neither can be considered accurate due to their age.

3.6 Online Dispute Resolution Tools on the Market

Tyler's 2004 assessment of the state of ODR found that of the 115 providers identified, 82 were still operating at the time of publication (Tyler, 2004, 3). Tyler argued that, considering the "experimental nature" of ODR as a field, this demonstrated the durability of these services. The 2010 survey conducted by Suquet et al. revisited the providers listed in Tyler's study as part of their own assessment. They found a total of only 34 ODR providers on the global market, a pool only 29.5% the size of the one published by Tyler six years before (Suquet, Poblet, Noriega, Gabarró, 2010, 3). While most advocates of ODR tout low costs as a major benefit it has also been argued that the decrease in ODR entities post-2000 is related to the high costs of system design, creation, and security maintenance (Mania, 2015, 78). The majority of providers currently active operate with a generic scope (over 65%) and their primary dispute resolution mechanisms are mediation (74%) and arbitration (> 40%) (Suquet, Poblet, Noriega, Gabarró, 2010, 4). It is common practice for businesses to adapt technology created externally in order to fulfill their specific needs (Dolata, 2014, 11). While this is often sufficient for basic communication needs, dispute resolution-specific systems could provide specialized processes to aid in the generation of solutions and the nurturing of relationships. Information gathering and added security to protect data could also develop. These benefits that the literature hints at are not yet present.

A minority of the providers discussed by Suquet et al. allowed users to select their preferred resolution mechanism. Some of these mechanisms used multi-step processes in which the level of system intervention increased if parties were unable to reach resolution (Suquet, Poblet, Noriega, Gabarró, 2010, 4). Expert systems such as these, created in consultation with experts in a field, provide non-expert users with specialized information. They enable large numbers of people to affordably access knowledge that would otherwise be expensive or difficult to reach.

British Columbia's Civil Resolution Tribunal (CRT) is a recent example of these multi-step processes that are increasingly being developed (Thompson, 2014, 4-5).

The Government of British Columbia established the CRT in 2012. The system, designed intentionally for use on a smartphone, is a MODR platform that is accessible at any time via the internet, and deals with small claims and strata property disputes (Abbot, 2015). The tribunal process engages first in party-to-party online negotiations, then proceeds to facilitator led interventions and ultimately arbitration by the tribunal (Civil Resolution Tribunal, 2017). Before beginning the tribunal process, users interact with the Solution Explorer. This diagnoses problems, and provides guided access to relevant legal information and self-help tools (Civil Resolution Tribunal, 2017). The Solution Explorer is an example of an expert system, which uses an intelligent questionnaire interface to identify key points in a dispute (Thompson, 2014).

Consumer Protection BC, BC Property Assessment Appeal Board, Small Claims BC, and Mediate BC have been or currently are exploring similar MODR tools (Abbot, 2015). In 2012, the BC Property Assessment Appeal Board added a custom-built online self-help guide similar to the CRT's Solution Explorer (Thompson, 2014).

It is important to emphasize that – as of 2014 – the design of most technology used for dispute resolution has been for general communications and information-handling purposes (Rainey, 2014, 42; Stuehr, 2013). One example of this is the Virtual Mediation Lab – Online Mediation Made Simple project. It is a resource for commercial, family and workplace mediators which hosts classes on how to conduct mediations through videoconferencing. The project also offers free webinars exploring online mediation and related topics (Leone, 2017). This project is merely transposing traditional ADR into internet based communication platforms. While this can save costs by eliminating the need for space rentals and travel, it does not provide any further technology-related benefits.

As technology develops that is specifically for the delivery of ODR and MODR, new possibilities will emerge. These may range from merely providing access to the most relevant information and referrals to applicable services to the development of algorithms and the use of AI to actively aid in reaching resolutions. Dispute resolution-specific platforms are on the market but have faced two significant challenges to wide spread success. They are either proprietary in nature or have not gained sufficient users to remain commercially viable (Rainey, 2014, 42). Proprietary systems include organizations' internal dispute resolution systems. Daniel Rainey, Chief of Staff for the National Mediation Board (United States of America), claimed in the first issue of the *International Journal of Online Dispute Resolution* that these issues are slowly disappearing as computer-illiteracy rapidly diminishes. Extrapolating from Rainey's comment and Katsh and Rifkin's earlier predictions, it would appear that individuals will become increasingly willing to participate in ODR/MODR processes as they become accustomed to engaging in interpersonal interactions through digital portals, both socially and at work. Adopting ODR tools as part of an organizations' formal or informal dispute resolution system is not unusual in today's world.

The move away from proprietary systems to external ODR/MODR providers is important because of the issue of neutrality. Dispute resolution systems created, funded and operated by an organization may develop biases in favour of the organization in their processes and decisions (Davis, 2004, 83). In an article for the Centre for Electronic Dispute Resolution (Amsterdam), Benjamin Davis argues that not enough has been done to ensure ODR processes remain independent (Davis, 2004, 75). Ensuring independence and freedom from bias is especially important if the use of the ODR system is encouraged or even enforced by the organization. The creation and use of independent ODR/MODR tools can help prevent risks associated with biases and conflict of interest.

3.7 Chapter Summary

This chapter reviewed literature from fields such as ODR, ADR, psychology, marketing, business and medicine to provide an understanding of how CMC technologies are used to build and maintain relationships. The broad variety of literature analysed speaks to the fluid state of ODR as a field and to the limited amount of ODR-specific research available. Katsh and Rifkin's book (2001) remains the largest single work on ODR. While many of the statements made by Katsh and Rifkin remain relevant today, the length of time that has passed since its publication speaks to the limited resources available for the field. Recognition of ODR as a distinct legitimate field is increasing, demonstrated by the introduction of IJODR in 2014. ODR can also exist and operate uniquely within other fields, which each have their own literature. Applications of technologies will be beneficial for some scenarios and without impact or detrimental in others. Therefore it is important to pay attention to the issue of ethics, the types of relationships that are developing and the required antecedents for trust.

The number of ODR services available to the public has fluctuated significantly since the late 1990s. Many of the services available in the early 2000s were merely digitized ADR. Services marketed as ODR-specific tended to target mediators and were primarily technologies for document-sharing or videoconferencing. Within the last five years tools designed specifically for ODR and MODR have begun to emerge, most notably the self-help guides found in the BC Property Assessment Appeal Board and the CRT's Solution Explorer (Thompson, 2014; Civil Resolution Tribunal, 2017). These systems also demonstrate a shift beyond ODR to MODR.

Developing relationships online has become ubiquitous in the modern world. Inhibiting attitudes towards CMC-supported relationships are becoming increasingly rare, although differences in technological comfort levels warrant consideration in multi-party interactions. Despite this, ODR is underutilizing the available technology. This is attributable to a number of factors. First, if a CMC technology is generic, its ODR applications may not be recognized. If it is proprietary, then its usership is obviously limited. Secondly, until recently ODR systems have merely been transposing traditional ADR methods into the digital world. The full benefit of specialized systems or of AI-supported prediction and prevention models will only show themselves as the technology continues to develop and become ingrained into dispute

resolution systems. Systems such as eBay's internal dispute resolution system and the CRT demonstrate that this shift is occurring.

The development of relationships requires the establishment of trust. The literature supports the idea that ODR systems can be useful trust-building tools. The antecedents of trust can be identified when trust is broken down into its two main subtypes, cognitive and affective. Through supporting both types of trust, relationships can be established and maintained. SET theory supports the use of ODR in relationship development, maintenance and repair. This is shown when parties enter into a series of interactions that demonstrate increasing levels of trust and commitment.

Attitudes towards the use of CMC in relationship building are overwhelmingly positive, with the exception of recurring concerns regarding privacy. Concerns surrounding the use of AI stem primarily from the ability to conduct data-mining and its potential impact on the anonymity of users. A lesser mentioned but equally important concern is the issue of neutrality, specifically for proprietary systems. External providers would be an excellent solution to this issue if they could become fiscally sustainable – something services have struggled with in the past. There continue to be significant gaps in the literature which indicate further research would be both beneficial and necessary to the proliferation of ODR into mainstream dispute and conflict resolution services.

4.0 Findings

This chapter presents the findings from interviews conducted with Canadian and Australian government office workers who had participated in dispute prevention and resolution seminars with ProActive ReSolutions. A total of seven interviews were conducted with nine participants; in two instances participants agreed to interviews on the condition that their colleague joined them. All participants expressed individual interest in participating in the study, returned completed consent forms prior to beginning the interview, and actively contributed to the conversation. Interviews were designed to explore the potential impact of introducing MODR tools to services currently offered by ProActive ReSolutions and to understand how the use of online communication platforms and ODR systems had impacted relationships and trust for the participants. Six interview questions were developed through the literature review and were used to generate discussion (see Appendix B). Themes that emerged through conversation with participants were introduced as questions into interviews with latter participants in order to understand how the themes applied to ProActive ReSolutions' general client base. This chapter will discuss the themes and topics which developed from the interview discussions.

Although the primary medium of online communication listed by participants was email, they also reported using other platforms such as instant messaging, videoconferencing and Skype, Slack, WebEx, official department websites, and the social media platforms Facebook (both official and unofficial group pages), Instagram, LinkedIn, and Twitter. The participants' experiences and opinions about conducting their work, developing and maintaining trust, and building relationships with these tools were explored during interviews. By examining what features of these platforms they have found useful or harmful to the dispute resolution process or ways in which they have triggered or exacerbated disputes, the researcher was able to determine what aspects of a potential ProActive ReSolutions MODR platform would be most beneficial to their clients.

When designing this project, the researcher expected most conversation about communication to center around experiences participants had had with their colleagues – internal communication. Due to the diverse roles held by participants within a broad variety of departments, many participants spoke of instances in which they were communicating with individuals outside the employ of their offices – external communication. These individuals were either members of the public, or employees of other government or private sector offices with whom the participant interacted in their work role. Most but not all participants spoke to varying extents on both internal and external communication. Eight participants discussed internal communication practices and experiences, and seven participants discussed external communication practices and experiences.

The data coding process resulted in six topics which will be discussed in this chapter. Section 4.1 will present both clients' receptivity and opposition to MODR and ODR tools. Their

experience with ODR will be addressed in section 4.2. All participants made a point of discussing their concerns regarding weaknesses of computer mediated communication, and this topic will be addressed in section 4.3. The impacts online communication has had on relationship building and trust development will be shown in section 4.4. Finally, features participants would like to see in a potential MODR tool and what they would like to get out of an education-oriented tool will be presented in sections 4.5 and 4.6 respectively.

Codes developed during the initial coding phase and found to be relevant to the creation of the aforementioned topics are shown in graph form; openness to ODR tools and openness to MODR tools have been combined. These graphs represent the number of participants who discussed a code and do not represent the frequency which the code appeared in the interviews. Quotes provided may have been altered to assure the protection of participant anonymity and to assist in clarity, while maintaining the integrity of the participants' statements. Quotes will be identified by participant and transcript location identification numbers.

4.1 Receptivity to ODR/MODR Tools

The numbers represented in figure 4.1 demonstrate that some participants expressed conflicting opinions regarding their receptivity and opposition to ODR and MODR tools. If an individual noted multiple opinions, for example, being receptive to ODR/MODR tools and being opposed to ODR tools, both opinions were coded and graphed. Participants' willingness to use an ODR/MODR tool for some purposes but not for others accounts for these conflicting opinions. These opinions will be reflected throughout the chapter. For example, some participants who welcomed the possibility of an education-oriented tool (see section 4.6) were reluctant to apply any form of ODR tool to relationship building and trust development (see section 4.4).

All nine participants responded that they would be interested in introducing some form of ODR or MODR tool to the services they receive from ProActive ReSolutions. Two participants stated that they viewed online communication, primarily between their office and the public, to be the source of the problems they were looking to address through an ODR tool. Eight participants expressed a general interest in knowing what types of ODR tools were available and cited this as a driving factor in their participation in the study.

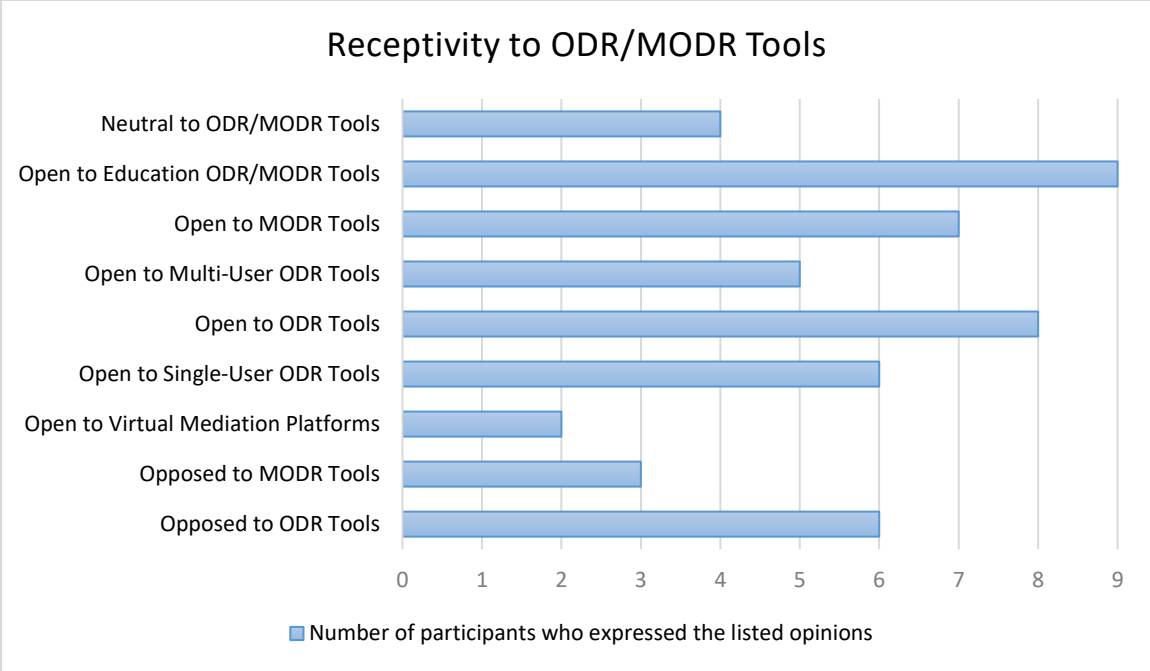


Figure 4.1: Receptivity to ODR/MODR Tools

- Four participants expressed interest in multiple styles of tools (section 4.5 provides specific descriptions of tool features).
- Four participants stated that they would use a multi-user synchronous tool to bring individuals together in real-time to resolve disputes. These were individuals who were engaging in long-distance dispute resolution processes that used various combinations of videoconferencing/Skype, teleconferences and emails; frequency of long-distance processes ranged from weekly to monthly to only occasionally.
- Five participants clearly described tools accessible to individuals as needed that provide them with advice for communicating and working through disputes they encountered in the workplace. These were coded as individuals who were open to single-user tools. This group overlaps with individuals who were open to education ODR/MODR tools (see section 4.6). However, it was differentiated as education tools (but not single-user tools) were always discussed as being related to the training provided by ProActive ReSolutions.
- Two participants expressed interest in a tool which could host virtual mediations; one of these wanted to address disputes where parties in different geographic locations, and the other wanted to bring in mediators and other specialists not employed by their offices.

While every participant was open to using some form of ODR/MODR tool, six individuals expressed a reluctance to use tools in certain situations. These opinions register in figure 4.1 as those who are opposed to ODR tools. It is important to register the significant level of opposition to ODR tools because it speaks to the concerns clients have with their use, however

it is equally important to note that a hundred percent of participants who voiced opposition to the use of ODR and MODR tools also discussed scenarios and applications in which they were actively interested in pursuing the use of ODR/MODR tools.

There were repeated assertions that participants did not want online tools to replace any in-person training that ProActive ReSolutions currently provides to their offices. Online tools are only welcome if they were supplemental to these services. Four individuals made a point of stating that they were opposed to ODR tools specifically in the context of mediating disputes; two of these participants cited past experience with inadequate devices, set-up and internet connections as the driving force behind their reluctance to use virtual mediation set ups in the future. In these instances, the use of online communication tools hindered the dispute resolution process by interrupting the flow of conversations due to lags or glitches. Audio-visual distortions and delays in entering or leaving caucuses were cited as having a dramatic impact on the effectiveness of the mediations.

Two individuals who worked in the same office were emphatic that they viewed online communication between government office workers and the public as being the cause of their problems, stating that: “The online stuff isn’t the solution but the problem and what are our solutions to help our staff deal with that?” (2:27124). Although these participants were clear that they viewed online interactions to have a high potential for antagonistic interactions, they were nevertheless curious to explore what ODR or MODR options might have the potential to help address the issue. A total of four participant reported instances where they viewed CMC as problematic, either due to technological deficiencies or because anything less than face-to-face was considered insufficient (see figure 4.2).

4.2 ODR Experience

Data gathered from the literature review suggested that it was not uncommon for individuals to fail to recognize ODR experiences they have had. Six out of the nine participants in this study reported that they had no experience in using any form of ODR. Of those six participants, only three individuals discussed activities that this study considers to be online dispute resolution practices while self-reporting that they had no ODR experience. The majority of participants in this study both worked in roles that involved elements of dispute resolution and had an interest in the field of ODR. Participants of this study were therefore perhaps more likely to be able to accurately self-report their level of experience in using ODR than were the individuals reported on in the literature review.

- Three participants responded that they have used ODR tools as part of their current job, although one individual revealed that their office is no longer able to sustain any ODR structures due to budget cuts. Their experiences with ODR was varied and included interpersonal communication training videos, virtual mediation chat rooms, videoconferences to conduct long-distance mediations, and pre- and post-mediation online document sharing.

- Two individuals – who work at the same office – shared that their department has developed an app which will enable the public to express concerns and track the progress of their complaints. This app is expected to be in operation in the near future, and will be the only example of an MODR tool in use by the participants of this study.
- Two participants reported that they did not use ODR in their current roles but that they had had very positive experiences using such tools in previous, non-government jobs.
- Six participants indicated they had used some form of ODR in their current role, although it was sometimes not recognized.
- Of the three participants who did not use any form of ODR, two had past experience and only one individual had no reported or apparent un-reported experience with ODR.

One participant who had extensive ODR experience in their current role no longer used ODR at the time of the interview. They described a pilot project their department had run which provided a text-based virtual mediation system that was accessible from any location and which was controlled by a mediator in their office. “It was an experiment that worked but because I didn’t have the full support of the management we just let it go and went to the old traditional teleconference or face-to-face” (6:6377).

4.3 Weaknesses of Online Communication

While all participants described scenarios in which the benefits of online communication outweighed any potential weaknesses, every participant discussed their concerns with technical deficiencies of online communication. Deficiencies in the abilities of online communication methods impacted the experiences of every participant but did not typically dissuade them from continuing to use some form of CMC for the purposes of dispute prevention and resolution. Participants introduced weaknesses in a number of ways. They were discussed as triggers for disputes (as noted in section 4.1), as causations of dispute escalation, and as hindrances to dispute resolution processes. Improvements in online communication practices and setups were still desired even when ODR methods were the de facto approach to resolution.

This section will present a selection of participant quotes that highlight the aspects of online communication that were considered problematic:

- “We’ve tried audio-video mediation software and have decided not to use it because when the audio does not match the video, it’s distracting and seems to introduce some artifices, so we’ve said forget it” (6:11004).
- “I think that there are just the normal drawbacks. I think that if the online tools allow for visual then the drawbacks are reduced. But there’s nothing like being in a room with an actual person, it just brings a bit more gravity to the situation” (1:10057).

- “My instinct – and it’s a very subjective opinion about it – is that no. Parties aren’t as comfortable or happy with videoconference mediations because they haven’t made that same connection” as they would in person (7:16076).

Obviously, the experiences and opinions presented here are subjective to the individual. For instance, the third quote presented above notes that parties in a dispute resolution process tended to be less pleased using a videoconferencing to host mediations than they were when physically present in the same space. Another participant reported an entirely different opinion, stating that in their experience hosting a text-based virtual mediation: “It was good, they were happy. While we weren’t able to see them, they were happy to be able to see the language and they were able to participate fully” (6:6692). Weaknesses were subjective to the needs of the situation, what was insufficient for the purposes of one participant were considered successful by another.

Differing standards of devices and internet connections have also been an issue for those who attempted to deal with disputes using online communication. Even in instances that were considered to be generally successful, the strain of operating the technology could sometimes be considered too great an effort to maintain long term. In the case of the participant who had successfully operated a virtual mediation pilot program (introduced in section 4.2), they still claimed that:

“It was hard to get running because of the different types of equipment and it faded away. I didn’t pursue it because our workload went up and we had to get cases done. So we don’t do that now” (6:6097).

This demonstrates that the weaknesses and challenges of online communication can easily outweigh the benefits. The equipment used to access the virtual mediation platform were not uniform. Such inconsistency is unsurprising as users of the platform had different working locations and employers. At the same time, in instances where disputants are at a significant geographic distance, some method of long distance mediation is highly desirable due to the time and cost saving potential.

The use of email was expectedly ubiquitous to the work of all study participants and was typically the first answer provided after inquiring how they used online tools to communicate with their colleagues. Email was used for starting the dispute resolution process, setting up meetings and documenting agreements made in-person. As a text-only form of communication that does not allow for facial expressions or tone to influence the perceptions of the receiver, email held a high risk of creating or nurturing misunderstandings. The blocking of the reception of social and contextual cues was one of the drawbacks of CMC noted in the literature review. The following are quotes selected from two different interviews to demonstrate this theory in action:

- “On an email, it is easy to get misconstrued. You might mean it in a different way than how the person took it” (4:8129).
- “Email is a dangerous thing – it’s a one way directive form of communication. People can read emails when tensions are high and misconstrue intent and tone of the email” (5:963).
- “No matter how you communicate in email, it becomes a sort of tip-toeing through the minefields” (5:4727).
- “One of my employees came to me and said ‘I really hate it when you email because it drives me crazy. We can’t have a conversation’” (4:10817)

Regardless of these drawbacks email was necessary to the work of the participants. One participant reported a practice they had successfully introduced to their department:

“One of the things that I’ve adopted is emojis because that gives you some of the tone. So you can say something but put a smiley face at the end of it and they’re not going to take it serious” (5:16673).

This participant reported that the practice of including emojis in email communication had a large and positive impact in the office workplace, aided in the avoidance of misinterpretations and that some colleagues working in leadership roles have adopted the practice.

Although the downsides of online communication were discussed in each interview, it was recognized that such methods of communicating are an intrinsic part of the working environment. “And if there was a quick, effective way of circumventing or mitigating risk around misunderstandings, inevitable conflict when a contentious issue arises, I would be keen to explore that. Because it is labour intensive” (5:11891). The “it” this participant was referring to was the process of dealing with issues using online communication, particularly in situations where a miscommunication had exacerbated the problem.

Concern about the weaknesses of online communication practices was the most frequently raised topic across all participant interviews. However, in most instances these concerns manifested as a desire for higher quality, easier to use tools. The quotes provided in this section demonstrate that despite concerns about misunderstandings, technological glitches, or the effort of maintaining a system, online communication tools continued to be used in all offices.

4.4 Relationships and Trust

The study participants discussed topics of relationships and trust together and this section will address them jointly. Unsurprisingly trust was considered a necessary antecedent to relationship building. The antecedents to trust being developed and maintained online differed slightly amongst the participants, yet generally fit with the findings of the literature review in that the development of interpersonal trust typically occurred gradually over a period of time. Some but not all participants reported that when they communicated with people using CMC

over long periods of time they developed similar trusting relationships to individuals with whom they shared workplaces.

Attitudes amongst the participants about the impacts of CMC on relationships and trust were mixed, which aligns with what was found in the literature review. Perceptions of CMC's impact ranged from it being neutral to positive to negative. Varied perspectives were linked to participants' personal experience as well as to the culture of their work environment. In some instances participants provided multiple answers to a question due to the varied types of relationships they have with those they interact with at work. These multiple answers are reflected in the data of figure 4.2. For example, a participant may have had relationships intentionally developed through the use of CMC and relationships that did not rely on CMC. When reflecting on a collection of different experiences, a participant may refer to times when trust was negatively impacted and other times when CMC usage had a positive impact on the experience. Both of the experiences were worthy of discussion and consideration, as it was likely that participants and other ProActive ReSolutions clients would encounter similarly varied experiences in the future of their work.

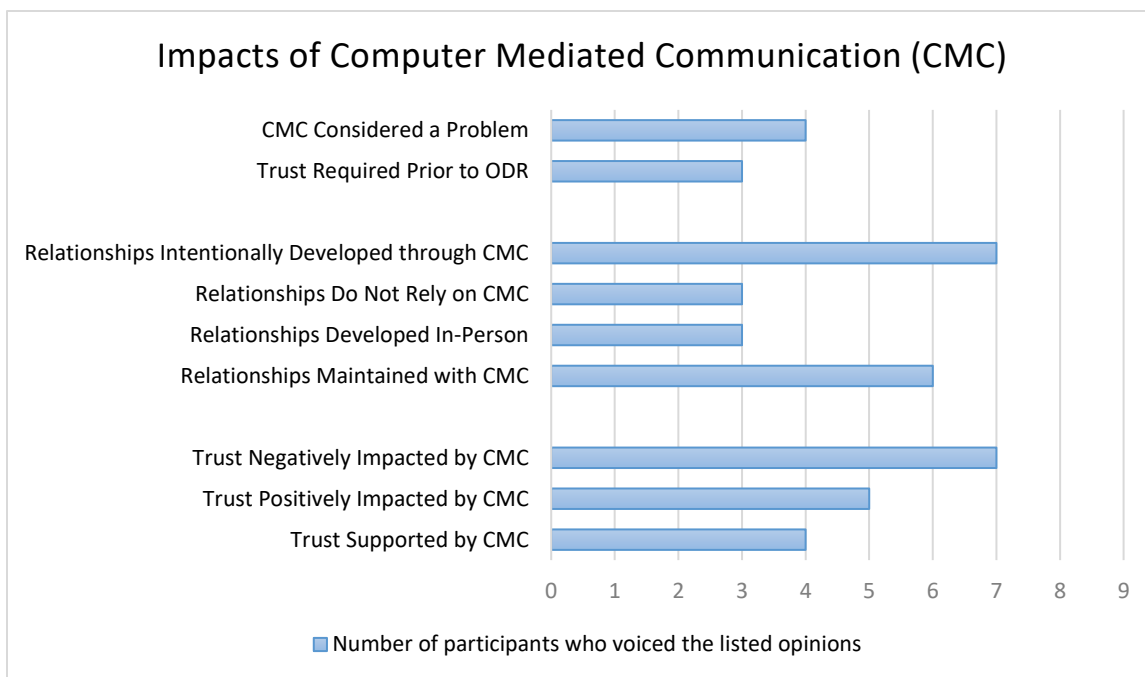


Figure 4.2: Impacts of Computer Mediated Communication (CMC)

Seven of the nine study participants presented examples of intentional relationship development.

- Relationship development between a conflict resolution practitioner and colleagues; individuals are introduced during training session and relationships are built and maintained through email, videoconference and phone.

- Communicating with the public on social media, correcting misinformation and providing a face for the department/office to establish a trusting relationship.
- Foster as sense of comradery in the workplace through public recognitions of good work in group emails.

It was in the development of these relationships that participants reported positive impacts of CMC on trust. For instance, two participants reported that creating trusting relationships with the public meant that “they tend to cut us a bit of slack – they wouldn’t necessarily jump to the worst conclusion immediately” (3:11806). This allowed the dialogue to remain open furthering the development of a stronger trust and prevented disputes from escalating into conflicts.

Positive impacts of CMC on trust were reported for both external and internal communication:

- “Responding to people when they have questions and giving the good responses. That’s really important so we do that all the time and that really helps build credibility” (3:10260).
- “If everything is going good, then it *really* goes well” (7:11478). [Speaking on videoconferencing/Skype.]

When reporting a negative impact on trust participants spoke of specific instances of conflict where they had experienced an escalation of an already present dispute. Participants referenced misconstrutions in emails which occurred either innocuously or as a result of individuals in conflict who are “looking for a reason for it to be wrong” (4:12321). Participants who had worked in a coaching or mediating role, reported negative impacts of videoconferencing such as a lessened ability to influence discourse through eye contact and general body language due to the set up of office videoconferencing equipment. Large boardrooms where individuals were at a distance from the camera and screen were reported as being less easily guided through the mediation and more likely to be distracted by passersby.

In one example, a dispute resolution practitioner was brought in by video-conference to mediate a dispute between two employees of the office. However, due to the limited resources available both disputants were initially placed in the same conference room. A power imbalance existed between the disputants which began to manifest and interfere with the mediation which subsequently had to be rescheduled so another offices’ conference room could be borrowed and the disputants separated. One participant suggested that they would prefer to conduct mediations via a system like Skype, which provided visuals that allowed for a focus on eye contact and facial expressions.

Participants presented a variety of different opinions to explain how the impact of CMC on relationships was neutral. They argued that factors influencing the success or failure of an online interaction were caused by factors such as the attitudes of individuals or the state of pre-existing relationships between parties. The medium of communication was deemed irrelevant. Participants provided examples that demonstrated this neutrality. “The online works if you

have very professional, respectful people” (7:11033). Those who reported a neutral view of the impact of CMC tended to report experiences in which individuals had established a trusting relationship prior to ODR interventions.

- Describing dispute resolution processes conducted online, one participant shared that they considered one-on-one interactions using CMC to be fine but when working with multiple groups it became increasingly difficult. They did not have a visual connection with the individuals or parties. For this participant, CMC-hosted mediations were a frequent part of their job.
- Another participant shared that, for them, the most important aspect of an ODR tool for the development of trust between individuals is video. Video capable CMC tools allow individuals to create an approximation of face-to-face conversations. The communication tool brings people together as if they were in the same room. It does not add any value to the interaction and when it works correctly, it does not diminish the exchange.
- A third participant, sharing the view of two others, considered ODR tools to be informal and believed that as a result of this informality to be effective users must have had a “trust relationship developed” prior to ODR use (1:6283). In this view, CMC does not negatively impact trust but makes it difficult to establish that kind of relationship due to the sense of informality during CMC-hosted discussions. Those who reported that their working relationships existed prior to CMC usage had a hundred percent overlap with those who did not use CMC to maintain relationships.

Many of the nuances in relationship maintenance and development practices were attributed to the culture of the workplace which differed between interviews. All participants reported using some form of CMC during some stage of the dispute resolution process and five participants reported having used online tools to communicate during a mediation situation. The work environment more heavily influenced the extent to which CMC is applied to active disputes than the employee’s personal preferences. For example, one participant who had substantial experience resolving disputes through CMC tools in a past job was asked by colleagues to always conduct conversations in-person as that was the practice of the office. There was no office policy against using CMC for dispute resolution but the culture of the office rejected its use in delicate or tense situations.

4.5 Desirable Features for MODR Tools

Study participants described a variety of hypothetical uses for an MODR tool or system they could use in their work. The traits described in this report are desired features that were described by multiple participants. Multiple participants independently introduced some features while the researcher introduced others to gauge the level of interest in features which emerged in earlier interviews.

Certain concepts that arose in the interviews fit with the commonly described factors of ODR systems as described by the reviewed literature. For example, four participants were attracted to ODR/MODR for its ability to document expectations and agreements leading up to and following a mediation. The ability to provide quick responses to queries or conversations was attractive to six participants. These features in particular matched with the features of ODR considered most desirable by the published literature.

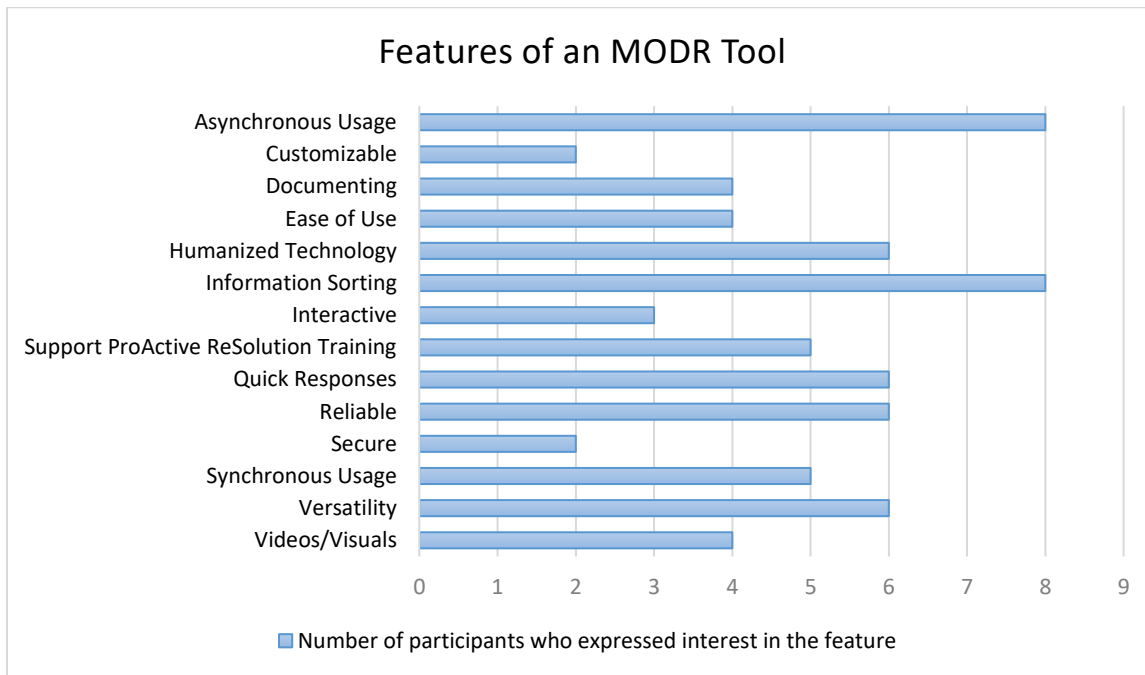


Figure 4.3: Feature of an MODR Tool

In addition to these two features, participants listed numerous features that they would like to see specifically in a MODR tool that ProActive ReSolutions might provide as part of their future services. Features that only one participant expressed interest in were not included in this report as they were not considered representative of the client base. The full list of significant features that emerged from the interviews is displayed in figure 4.3.

Asynchronous usage referred to an MODR tool that clients could access at any time. There was substantial overlap of this feature with the features labelled information sorting, interactive and support ProActive ReSolutions training. Information sorting refers to a tool that could provide easy access to information; the information hypothesized by participants ranged from office dispute resolution procedures to communication tips to where to go or who to contact for various issues. Participants were interested in having a tool that could help bridge training. The level of interest in this capability was extremely high and will be explored in the next section (section 4.6).

Humanized technology was a feature of ODR that was not explicitly stated anywhere in the academic or non-academic literature reviewed for this project. Humanized technology refers to

the attempt to foster a sense of interpersonal communication when that communication is occurring online. Participants who described successful attempts at online relationship development spoke of ways in which they personalized interactions. This included providing their name and/or their face to the person who had reached out to their office online or to those to whom they were attempting to reach. It meant setting up online mediations in such a way that disputants were within arms-length of the camera to create a sense of collaboration and to improve engagement. When participants discussed what they would like to see in an MODR tool, humanized technology meant demonstrating who they were, what can be expected of them, as well as fostering a sense of community amongst the users. By humanizing the technology, a sense of trust can begin to be established. In synchronous tools, it would aid relationship development by promoting users to engage as if they were entering into a discourse in-person.

Synchronous usage features were discussed in relation to active virtual mediations or to training seminars in which clients could access the tool as part of the training. While five participants discussed this feature, most did not place as much emphasis on it as they did on asynchronous usage. Another feature that was described in general terms was versatility. Versatility had multiple meanings to different participants. They appreciated that technology could provide them with “agile ways of working” that could “catch essential information quickly and reliably” (1:4543, 1:9328). Three participants’ offices were already using devices such as laptops and tablets to allow for flexible work and communication practices. Participants wanted a tool that was multi-dimensional; particularly when speaking of education-oriented tools, they described something with a mixed media approach, using visuals and interactive elements to support multiple learning styles.

The issue of security features inherent in a potential MODR tool was not raised often in interviews. This is worth noting as it was not in line with evidence from the literature that suggests security features would be a crucial point for many users of ODR. Questions did not directly ask about participants’ thoughts on security, but when describing what was important to them in a MODR tool, only two participants discussed the subject.

4.6 Education Tools

“What I find is that everybody goes to the training, they think it’s really good and then you go back to your regular day-to-day lives and you don’t necessarily transfer the knowledge. So, I think that when you develop a program that keeps the information fresh, I think that’s beneficial” (2:23004).

The sentiment of this quote was repeated throughout all interviews. Multiple participants, beginning in the first interview, introduced the idea of using an MODR tool for the purposes of dispute prevention and resolution training. All participants either introduced the topic themselves or were prompted by the researcher to explore their views on using an MODR tool for education. Unlike the previous topics in this chapter, the participants had a fairly unified

approach to an education-oriented MODR tool. Many aspects of an MODR education tool were addressed in earlier sections of this chapter, particularly in the discussion of desired MODR tool features.

Primarily, an education MODR tool was viewed as something to be introduced alongside ProActive ReSolutions seminars. Most participants were attracted to the idea of using the tool to create a bridge between the knowledge and skills taught during the seminars and the everyday workplace applications. Three participants were open to the idea of making an MODR tool available to their employees prior to ProActive ReSolutions training as a means of orienting them to the subject matter, in addition to receiving a post-training support tool.

Participants identified two potential uses for a MODR education tool. First it would keep information fresh in the minds of the clients who could asynchronously access the tool when they needed a reminder of what was taught. One participant described their ideal tool as an “app to ‘remind me,’ to help [clients] navigate something that they might not want to bring to HR, to build their skills and to provide them with some supports” (8:20868). Second, participants described a desire for clients to be able to use the tool to build upon their skills, either through working through hypothetical scenarios or researching communication or dispute resolution techniques. Ease of use and versatility were key points in the discussions of an education tool.

Another participant described a hypothetical tool that could be accessed as needed by a client: “It has to be short, modular and practical...You have to be able to bounce around. You don’t do module one, module two, module three. If I’m interested in ‘how do I bring up a sensitive topic’, I’m going to skip module one to six and go right to number seven” (7:26159).

When asked to describe what they would like to get out of an online tool, most participants spoke of prevention and interactive learning techniques:

- “Now if there was a tool that helps change people’s behaviours so they’re more respectful, behave themselves or that they didn’t inadvertently stumble into the ‘minefield’, then I think that would be useful” (5:15953).
- “Not the typical online training where you just click a PowerPoint. Something that’s interactive, that engages them” (7:25771).

All nine participants expressed a level of interest in tools for the purposes of education and stated that they could see themselves or their offices using such a tool. One participant’s interest in an education-oriented tool focused largely on the possibility of simulated mediations for training and hiring purposes. Two others reported that they were curious about the potential of an education MODR tool but did not discuss it at significant length. The remaining six participants actively engaged in discussion, generating ideas about what would be useful in their offices. The findings presented in this section reflect all responses.

4.7 Chapter Summary

This chapter presented the findings of the interviews conducted with ProActive ReSolutions' clients, organized into the six topics which emerged from the data analysis. All participants in this study were receptive to the idea of ODR and MODR tools, particularly for the purposes of education. The exact interests in such a tool varied depending on the individual's experiences and work environment. Weaknesses of online communication were a point of concern for all participants. While this did not dissuade any of them entirely from the use of CMC, some did not engage in ODR in the workplace as a result. The impacts of online communication on trust and on relationships for participants were presented. Having a positive or negative experience using CMC for dispute resolution purposes was often dependant on the quality of any pre-existing relationship between disputants.

The commonality amongst participants was their interest in education-oriented MODR tools, although the level of interest and the specifics of desirable features varied amongst them. Discussion of an education tool orbited around the pre-existing training and intervention services provided by ProActive ReSolutions. Participants made it clear they had no desire to replace current services but would welcome supplementation. Desirable tool features were presented. Features such as documenting abilities and quick response times were reflective of the existing literature. The previously published literature did not discuss other features such as humanized technology and information sorting.

5.0 Discussion and Analysis

The objective of this study was to assess how receptive government clients were to the introduction of MODR tools and how those tools might enhance the dispute intervention services ProActive Resolutions currently provides to those clients. Participant interviews were also designed to provide insight into how ODR tools impact relationship building aspects of dispute resolution processes. In this chapter, the topics presented in the findings are discussed in relation to these questions.

5.1 Receptivity to MODR Tools

Client receptivity to MODR tools was perhaps the most crucial question of this study. Understanding client receptivity to MODR tools requires knowing if they are open to ODR options or not. What aspects of an MODR tool would clients welcome? To which would they be opposed? In what circumstances would clients welcome the tool? The participant interviews presented in the findings addressed all of these questions in order to gauge the level of receptivity amongst ProActive ReSolutions' Canadian and Australian government clients.

In general terms, all participants were receptive to introducing a MODR tool to the dispute intervention services they currently receive or have received from ProActive ReSolutions. ProActive ReSolutions has not created or presented any tool to clients at the point of this study. Some participants noted that they were unable to commit themselves or their offices to purchasing or subscribing to any tool without knowing what it would do and how it would work. This was not an issue for this project, as it has been designed to explore potential MODR opportunities and participants were recruited to share their interests and concerns, and were not expected to commit to purchasing a tool.

During the interviews, discussions between participants and the researcher generated an assortment of different ideas about what a useful MODR tool might look like. Participants were asked if and how they could see themselves and their offices using ODR or MODR tools. Differences amongst participant responses were the result of the varying tasks, job expectations, office environments or cultures in which the participants worked, and their own individual perspectives.

Every participant was also strongly protective of the current services they received from ProActive ReSolutions and were receptive of MODR tools only insofar as they would not replace or limit any in-person interventions and training seminars. Even when participants had received the majority of their services from ProActive ReSolutions in the form of telephone conversations, they did not wish to see those services reduced. Any tool welcomed by clients would therefore have to be supplementary or additional to the established services.

Participant encounters with ODR systems were mixed, with some individuals reporting highly successful experiences while others shared stories where ODR or CMC was a major contributing

factor to disputes. None of the negative experiences with ODR resulted in a reluctance amongst the participants to work with some form of ODR/MODR tool, but for some it did result in an unwillingness to use ODR for active disputes. Challenges with internet technologies, particularly related to hardware and connection standards, made the weaknesses of CMC outweigh the benefits of ODR.

Participants held mixed attitudes towards online communication, which is in line with the findings of the literature review as presented in section 3.2. The literature review found that online communication is considered deficient in terms of conveying the social and contextual cues of conversation. All participants addressed weaknesses inherent to online communication, including missing cues or misconstrued phrasings. Online communication of some form was necessary to the work of all participants and participants were therefore very interested in any type of tool that could aid in limiting misunderstandings. Participants primarily used online platforms to disseminate information when communicating with the public. Two participants reported that their office monitored online discussions to understand the concerns and interests of the groups with whom they engaged with in the course of their work. However, there was minimal evidence of active interactions between users of online platforms, such as social media and official websites, and the participants' offices. This limited use of online communication capabilities reflects the academic literature in that ODR processes are underutilizing many forms of CMC.

Considering the experiences and needs of the participants, the most practical application of a MODR tool would be as a preventative measure. Misunderstandings in online communication and disruptions to dispute resolution processes caused by technological glitches were significant concerns amongst the participants. Due to difference in work circumstances, the multitude of features a tool would require to address the needs of all or most participants in active disputes or conflicts would be unsustainable. However, all participants were receptive to education-oriented and preventative tools, whose design could incorporate versatility and generality more easily than could tools for active disputes.

5.2 Trust and Relationships

Data collected during the interviews demonstrates differing perspectives on how online communication impacts the development of relationships. These dissimilarities are largely attributable to differences in work-place culture. In smaller, single-location offices, relationships between colleagues were developed and maintained in-person. This makes sense as communicating online without in-person communications alongside would generally be unnecessary. Alternatively, offices where employees were dispatched to various rotating locations or in which work often required communicating with other, geographically distant offices, CMC was a standard medium through which trust and relationships were developed. Participants were asked to share their perspective and experience on the matter regardless of

which of these two categories their office fit, as one of the purposes of this project was to examine the impact of CMC on relationship aspects of dispute resolution,.

Trust seemed to be highly dependent on three factors. First, the quality of any pre-existing relationship between the individuals influenced trust in online interactions. If there was a pre-existing relationship that had deteriorated to the point that resolving a dispute required intervention, then the participants reported trust as something which was difficult to effectively establish, or re-establish, online. Of course, in the described scenario, trust would also have been difficult to establish between the individuals in in-person interactions. Any technological difficulties which would impeded upon the ODR process would limit its effectiveness and risk further erosion of trust.

Second, participants who reported that they had established trust through CMC had more experience in communicating online. When the work environment placed expectations upon employees to conduct business through CMC and the people with whom they were communicating were similarly used to using CMC, then trust was more easily established.

This speaks to an expectation bias – when individuals on both ends of communications are expect to establish trust online, it is easier. When online communications are outside of the normal process for employees, it is harder. This difficulty is understandable particularly in the cases provided by participants, in which internet technologies were introduced to instances of dispute. When participants reported successful trust building processes they were often, but not always, using CMC for dispute and non-dispute related communications. Those reporting difficulties were less likely to discuss extensive CMC use in non-dispute scenarios.

The attitudes of the disputants was the third commonly reported factor influencing trust building, and was related specifically to building trust during online dispute resolution processes. Participants who had experience in hosting virtual mediations recounted that in their experiences, cases of CMC assisted mediations with difficult personalities or attitudes were significantly less successful than in-person mediations. They found it harder, as the person working in a conflict resolution role, to control the conversation when the parties and/or they themselves were only present on a screen.

In most discussions of relationship development through online communication, participants stated that they had a previously established relationship with the other individual. Relationships were established in-person and used CMC to maintain the relationship afterward. Impacts of online communication fell into three categories: neutral, negative and positive. As noted in the findings (section 4.4), participants who claimed CMC usage had no influence on trust and relationships discussed relationships that were well established prior to CMC use. This neutrality was something new to the research, as the academic literature reviewed focused primarily on online customers and communities which could not include in-person relationships. The impacts of CMC on relationships that routinely exist both in-person and online is something that requires further study.

Negative impacts manifested most prevalently in active disputes. In situations where a dispute had already reached the level of a third-party intervention, CMC negatively impacted both relationship and trust development. There was a significant overlap amongst participants who had experienced these negative impacts with those who cited specific instances in which an ODR process had become challenging due to technological difficulties with the system. Negative impacts due to technological difficulties are simple in theory to counteract. Simplified systems that can operate on a variety of different devices would be necessary. Negative impacts also presented in instances where the meaning of messages sent online was misconstrued. Due to the lack of social, facial or tonal cues, written messages of any sort will always carry added risks of misunderstandings. Some participants reported methods they used to offset this risk, such as indicating tone through careful wording or emojis, and taking at least a day between reading an emotional email and sending their response.

Positive impacts were reported in situations where online communication was intentionally applied to develop relationships. Actively embracing CMC was a major factor in creating positive impacts for the participants. When miscommunications occurred online, participants reported responding in the same format to provide corrected information. Multiple participants shared practices of reaching out to their colleagues, either entirely online or in-person and subsequently online to further solidify a relationship. Just as attitudinal factors influenced trust building, the attitudes and office practices towards online communication had significant influence on how it impacted relationship development. It is fair to assume that all users of online communication will have good and bad experiences. By noting what worked and what didn't work, some participants were able to nurture relationships through the use of CMC. When communicating with someone over longer periods of time, participants reported developing similar trusting relationships to those developed in-person.

The importance of trust in the development and maintenance of ongoing relationships was discussed in the literature review (see section 3.3). It is possible to develop both cognitive and affective trust online. Two study participants spoke of online activity that their office had undertaken to improve the relationship between themselves and the public (see section 4.4). By embracing CMC usage and intentionally humanizing the online communication process, they were able to establish a more trusting relationship with vocal and often argumentative online communities which represented segments of the public they dealt with in their work. Through ongoing engagement with these groups, a history of communication was developed and cognitive trust was established. As a result of personalizing interactions as much as was reasonable, the online community recognized that they were interacting with an individual rather than an abstract government office. This established a more emotional connection and supported the development of affective trust.

5.3 Supplementing ProActive ReSolutions Services with MODR Tools

The primary research question posed by this project was how could MODR tools enhance the dispute intervention services currently provided to government clients. As stated in section 5.1, study participants were receptive to MODR tools that would supplement or expand upon the services ProActive ReSolutions currently provides. Participants talked about virtual mediation technology, tools to guide public conversations on social media, videoconferencing tools to bring subject experts into mediations, education and dispute prevention. Out of all of these, education and dispute prevention applications were the only uses of a MODR tool that all participants stated they and their offices would find beneficial.

Participants who directly spoke about the training they had received from ProActive ReSolutions were positive about their experiences. While the knowledge and skills taught by ProActive ReSolutions were well received, interviews highlighted a space in the current services for a MODR education tool. The issue reported by participants was the limited extent that the information provided in seminars was being retained and applied in the daily working environment in the weeks and months following training. This demonstrates that participants see the interventions currently provided by ProActive ReSolutions as highly beneficial but would appreciate a way for seminar attendees to improve their ability to retain knowledge and apply skills long term. Participant descriptions of a potential education tool indicate it would be most useful as a resource available to their offices after, not before, other training provided by ProActive ReSolutions.

Data collected during interviews showed that misunderstandings that occurred through the course of online communications was both a major concern for participants and a cause of dispute escalation. The examples provided by participants demonstrate insufficient levels of trust between individuals in communication. Without sufficient interpersonal trust, disputants can more easily interpret text-based messages with tones or inflections that they, as the reader, assume the sender intended to convey. Promoting awareness of this issue, and making advice about good and bad online communication techniques readily available to clients would help prevent disputes and dispute escalation. Dispute prevention in this area can also be linked to trust development. Strengthening cognitive and affective trust – and consequently strengthening the relationship between individuals – has the potential to limit misunderstandings. When disputants can trust each other, they will be less likely to negatively interpret written statements.

Evidence from the literature review suggested that data security would be a primary concern for any user of an online dispute resolution tool. Amongst the nine participants of this study, only two individuals mentioned security as a concern or necessity for a potential ODR/MODR tool. This notable difference between findings from this study and from past research could be attributable to a number of factors. Participants primarily hypothesized a ProActive ReSolutions tool to be generic in nature, designed to supplement education services. As such a tool would require little, if any, personal data, security of information would not necessarily concern

participants. Another possibility is that participants had already established a trusting relationship with ProActive ReSolutions through their previous interactions and that that trust created an assumption amongst participants that any tool provided – and accepted for use by their government employers – will have sufficient security measures. As the researcher did not specifically ask participants about potential security concerns, this subject remains largely conjectural. However, when asked to describe what they would need a potential MODR tool to provide, only the two aforementioned participants discussed security.

5.4 Chapter Summary

This chapter discussed the findings of the study in relation to the research questions put forward by the project. Participants were highly satisfied with ProActive ReSolutions' current services, evidenced by their insistence that MODR tools should not limit or replace those services. That said participants were equally receptive to the idea of MODR tools that could supplement those services. The approaches of participants' offices to the use of CMC generally fit with the findings of the literature review, except on the topic of security which few participants discussed.

The impacts of CMC usage on trust and relationships was analysed. It was found that the impact of CMC on these two features of the dispute resolution process was highly dependent on previously established personal relationships and on workplace cultures. If participants' offices routinely engaged in some form of ODR, then the use of online communication platforms had minimal impact on the dispute resolution process. However, if a personal relationship had been significantly damaged, any technical issues with connections or devices often lessened the effectiveness of the resolution process.

Finally participants were found to be interested in introducing some form of MODR tool to the services they receive from ProActive ReSolutions. Although there was some variety in the style and purpose of tool most desired by participants depending on their workplace cultures and individual roles within their offices, all participants were interested in the concept of an education and dispute prevention tool. Ideally, this tool would be able to provide support in bridging the training provided by ProActive ReSolutions, as well as help limit miscommunications online.

6.0 Market Scan

This chapter provides a brief scan of online tools currently available to the public which meet or partially meet the needs of ProActive ReSolutions' clients, as determined by the Findings and Discussion of this report. Most ODR tools currently in operation focus on international trade, ecommerce or small claims courts – this chapter does not consider these tools. As ProActive ReSolutions looks into the potential development of an MODR tool it is necessary to understand what, if any, other options are available to their clients. There are two purposes to this chapter. First, examining the characteristics of existing online dispute prevention education tools and systems will provide a basis of comparison for the designing of a MODR tool. Second, understanding if and how the needs of their clients could be met externally will provide ProActive ReSolutions with knowledge of any competition. Study participants were uniformly interested in a tool that would supplement ProActive ReSolutions training specifically; therefore no tool developed without the collaboration of the company would be able to truly deliver this outcome.

6.1 Prevention and Education ODR Programs

A variety of online education platforms exist which offer dispute/conflict management and prevention training. However, most of these are online courses offered through university and college continuing education programs and therefore require course participants to be enrolled as students in the hosting university. As they required university enrollment, these classes are not open to the public and are not examined in this chapter.

Coursera, an exception to the aforementioned university online courses, is an online learning company founded by two professors at Stanford University which provides publically accessible courses in collaboration with 149 university partners (Coursera, 2018). This study considers it accessible to the public as courses can be taken individually by anyone – fees ranging from \$29-\$99USD are charged for each course (Coursera, 2018). Coursera is advertised as mobile (designed to be accessible through smartphones) and interactive. Their Conflict Management Specialization consists of four courses, each taken over a three to five weeks and comprised of video lessons, readings, quizzes and written assignments (Coursera, Conflict Management Specialization, 2018). Coursera cites the quizzes, intended to ensure students are completing and understanding readings and videos, as the interactive components of its course.

Alison is a for-profit company that provides a publically accessible learning platform offering courses in conflict management. A search of their programs found three courses on alternative dispute resolution and one course on conflict management and negotiation. Courses are free to take but the company charges for documents such as certificates and diplomas (Alison, 2018). Courses are primarily introductory to the topics and theoretically based. Their lengths do not allow for extensive explorations of the subject matter. Certificate courses take two to three hours and diploma courses take eight to ten hours (Alison, Courses, 2018).

Online education platforms like Coursera and Alison do not meet the versatility and interactive requirements of the study participants. Although it is possible for individuals to take courses as per their interests, modules are chronological and must be completed in order over a set period of time. Outside of electing to take a course, the system is not versatile. Courses offered are minimally interactive and designed in the manner of university classes with the aim of providing an understanding of theory and concepts, particularly in the Alison courses. Neither learning platform advertises offering students interactive activities to help with the transfer of theoretical skills to workplace applications.

6.2 ODR Platforms

ODR options currently available on the market are for use in active dispute resolution processes rather than for prevention. Only two participants in this study expressed interest in using an ODR/MODR tool to host virtual mediations. This implies that these tools would not be directly useful to ProActive ReSolutions clients. This section will briefly present some of these tools which represent the most prevalent approaches to publically available ODR.

Modria, introduced in section 3.1, is a current market leader in ODR providers and known largely for its association with the eBay and PayPal ODR systems. Modria Resolution Centre's success has been tied to their constant expansion in the scope of services they offer (Mania, 2015, 77). Modria's approach demonstrates the importance of staying up to date in the rapidly evolving landscape of internet technologies. American courts are now using Modria, purchased by Tyler Technologies in May 2017, to resolve disputes ranging from landlord/tenant and small claims to child custody cases (Tyler Technologies, 2018). Tyler Technologies promotes Modria's ability to reduce case timelines, and to increase public engagement and satisfaction through "pre-built workflows" and carefully curated communications technologies (Tyler Technologies, 2018). The initial design of Modria addressed all styles of disputes but following the 2017 acquisition by Tyler Technologies the service appears to be narrowing its focus to court systems (Watkins, 2017). Workplace dispute resolution is not a target market.

While Modria operates primarily in the United States, it has a global presence. In 2016, FairWay Resolutions in New Zealand began using Modria for ecommerce disputes in New Zealand and Australia (FairWay, 2017, October 4). FairWay Resolutions, New Zealand's largest commercial ADR provider, focuses on conflict reduction and provides customizable conflict coaching and skills development (FairWay Resolutions, 2017). They only employ Modria for ecommerce disputes. Coaching provided by FairWay Resolutions is conducted in-person or via phone or Skype.

Evidence from the literature review and participant interviews both indicate that ODR systems are not yet fully meeting their potential. Even advocates of ODR are turning to multiple different platforms to meet their needs, instead of a single integrated system. One article which considers mobile ODR tools for mediators lists different apps for meeting planning, videoconferencing, document sharing, and document signing (Stuehr, 2013).

The common practice appears to be for mediators to co-opt existing videoconferencing technologies for mediation purposes. There are benefits to using pre-established technology: capabilities will be known, major glitches will have been worked out, and there will often be some form of tech support established. However, a significant number of the study participants nevertheless found this technology to be insufficient and inhibitive to their mediation needs. The way CMC systems used by participants for ODR allow the parties to interact often limits the effectiveness of the mediator. Therefore it is interesting to note that ODR tools for interpersonal disputes like those found in an office environment are marketed towards mediators.

Although simple mediations can be hosted through any videoconferencing tool, there are some which are more suited to the needs of mediation. Participants in this study mentioned using Skype, Slack and internal government video-conferencing tools to conduct mediations where either disputants or the mediator were geographically distant from each other. These tools allow individuals to converse with each other but do not provide easy or integrated means of caucusing. Other platforms provide caucusing and document sharing capabilities. Sponsored by the Hawaii Chapter of the Association for Conflict Resolution, the Virtual Mediation Lab (introduced in section 3.6) sells individual online training seminars for mediators looking to establish online mediation practices (Leone, 2018). Founded in 2011 by Guiseppe Leone, the company trains mediators in the use of Zoom. Zoom is an external videoconferencing platform that allows for conference-style meetings, video-breakout rooms, and virtual whiteboards. It also has recording capabilities and an attention indicator feature (Zoom, 2018). Zoom, like other videoconferencing platforms discussed in this chapter, was not designed with ODR in mind. However, due to its features it does provide more versatile options for hosting ODR processes than other videoconferencing platforms.

6.3 Chapter Summary

Study participants expressed the greatest interest in MODR tools that could keep ProActive ReSolutions' specific dispute prevention and resolution training fresh and tie it to their everyday work experience. No ODR tools that are currently available would be able to meet this need. There are a small number of publically accessible dispute resolution training courses available online but they are not truly interactive nor are they flexible in module completion order. Training provided by these courses would most likely not support participants in developing their skills beyond the level they could achieve through participating in ProActive ReSolutions' existing seminars.

There are broadly employed ODR platforms for mediations but Modria dominated the field. Primary marketing for Modria pushes it as an ODR support program for small claims court, similar to British Columbia's Civil Resolutions Tribunal (see section 3.6). Zoom, promoted by the Virtual Mediation Lab, is the only videoconferencing platform that marketed the versatile capabilities required to conduct mediations. However, the system, not designed specifically for

ODR, does not incorporate document sharing and document signing. Reflecting the findings of the literature review, tools used for ODR are currently unable to meet all of the needs of mediations within a single platform.

7.0 Options to Consider and Recommendations

This chapter recommends three actions to assist ProActive ReSolutions in the development and deployment of a mobile online dispute resolution tool that would support their dispute and conflict interventions with their clients. The needs of ProActive ReSolutions' Canadian and Australian government clients as described by participants in their interviews are the basis of these recommendations. Recommendations take into consideration what actions will have the most positive impact for the largest number of clients. Recommendations are listed in descending order from the most to least number of clients who would find their implementation beneficial.

7.1 Continue to Provide In-Person Services

This project recommends that where possible ProActive ReSolutions continue to provide the fundamental aspects of their Conflict Management Consulting Services through in-person delivery models.

Study participants spoke positively about their experiences working with ProActive ReSolutions through in-person training, coaching and interventions, and were protective of these services. They welcomed the possibility of expanding current services to include MODR or ODR elements but independently conditioned that acceptance upon the continuance of existing services. A small number of participants who reported that they had only interacted directly with ProActive ReSolutions via the telephone were also happy with their service experiences and expressed no interest in replacing those services with online tools but were less passionate about protecting the existing delivery method. Although ProActive ReSolutions currently provides some services through webinars, participants in this study did not report receiving those services.

In-person service delivery creates a different experience for clients compared to online delivery. Face-to-face communications eliminate any of the technology-related glitches that participants struggled with when using synchronous ODR technology. In the experiences of the participants, it also gave the interventions a greater measure of gravity. Breaking clients out of everyday routines to focus on dispute prevention and resolution training demonstrates the importance placed on the process by their office. However, not all clients have the time to dedicate a half or full day to such interventions. Ultimately it is about finding the right delivery model for the needs of the clients. When the time and resources are available to them, clients prefer to use in-person delivery models for the initial and primary training sessions.

7.2 Develop and Introduce a MODR Tool for Skills Maintenance and Growth

This project recommends that ProActive ReSolutions develop and introduce an education-oriented MODR tool to aid their clients in skills maintenance and development.

Clients who participated in interventions provided by ProActive ReSolutions would benefit from the use of an online education tool, accessible through personal work devices. This tool would be concentrated on dispute prevention through skills training as opposed to aiding in active dispute resolution. As evidenced by the findings, clients value versatile and interactive systems that allow individuals to focus their time and effort on refreshing the elements of ProActive ReSolutions training that are most relevant to their unique circumstances. Exercises and activities contained within the tool would reflect the training clients had already received through participation in ProActive ReSolutions intervention measures. It would be beneficial to organize these into sections accessible to the client in any order, without prerequisite completion requirements. Options to advance the training clients had already received could be included for further skills development.

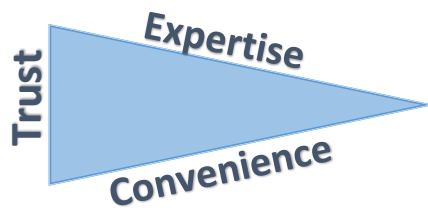


Figure 7.1: Proposed Balance of ODR Building Blocks

Clients need MODR tools that provide convenient ways of accessing knowledge about how to prevent and deescalate disputes and conflicts. According to Katsh and Rifkin’s building blocks for developing successful ODR tools (see section 3.1 and 3.2), a tool that focuses on convenience and knowledge risks weakening its ability to create trust amongst its users. Figure 7.1 represents the combination of the three factors of an ODR system that ProActive ReSolutions should emphasise in developing a MODR tool. According to the existing research, focusing on providing a user interface that is easy to navigate and successfully transfers skills to the client could limit the ability of the tool to develop trust with the users. However, pre-established ProActive ReSolutions clients who have already developed a level of trust with the company would be the target demographic for the tool. A post-intervention MODR resource would not need to establish a new trust relationship and can focus instead on delivering convenience and knowledge.

Online education platforms that currently offer dispute and conflict training provide users with the opportunity to earn certificates upon the completion of multiple module courses. The findings of this study also showed positive impacts of publically recognizing success amongst

peers. The MODR tool could offer acknowledgements for successfully completing sections and/or for revisiting sections to keep the knowledge fresh for the user. It could also adopt the practice of existing online skills training programs and provide digital certificates for completing combinations of skills sections. While these recognitions would not be substantive certifications they could provide users with measurable goals and promote ongoing usage.

ProActive ReSolutions should focus on the minimum viable product for any tool they wish to provide their clients. The minimum viable product is the simplest product that will provide value to the client (Rule, 2018). This allows for issues in the tool to be identified and resolved while the product is relatively simple, and for client feedback to be incorporated into later additions to or versions of the tool (Rule, 2018). Choosing to embrace the continuous evolution of an MODR tool will allow ProActive ReSolutions to keep pace with the rapidly changing field of ODR.

The focus of this project was on ProActive ReSolutions' Canadian and Australian government clients, but the MODR tool described in this section would benefit any client through bridging the knowledge provided in interventions with their everyday work environment. As evidenced by the market scan (see Chapter 6), there are no readily accessible dispute and conflict training systems currently available that meet the needs of ProActive ReSolutions clients. The company has the opportunity to fill this market gap and enhance the services they currently offer their clients.

7.3 Explore Client Interest in Virtual Mediation Systems

This project recommends that ProActive ReSolutions further research interest in virtual mediation systems amongst its clients.

Virtual mediation systems, largely due to privacy requirements, are not typically mobile online dispute resolution tools. Online mediations in government offices are typically held in conference rooms and are usually comprised of traditional alternative dispute resolution processes conducted through phone and video conferencing systems. As these are not mobile systems, this style of ODR was outside of the parameters of this study. However, two clients expressed a strong interest in the possibility of paying ProActive ReSolutions for a virtual mediation system. Much of the existing literature also focused on this type of ODR.

This study shows that clients who are conducting mediations online often face challenges related to their videoconferencing systems, either due to limited system abilities or technological glitches. Some, but not all, have abandoned or severely limited their ODR practices due to these issues. A well-developed virtual mediation system could support clients who routinely conduct long-distance mediations.

Although developing and maintaining a successful virtual mediation system would require a large commitment of resources from ProActive ReSolutions, it has the potential to realize tangible benefits. These benefits would include opportunities to support the dispute resolution

processes promoted by the company through customized system design, to innovate, and to provide a fuller range of services to their clients. ProActive ReSolutions should explore the level of interest amongst the entirety of its client base to determine if this is an area into which it would be beneficial to expand their services.

7.4 Chapter Summary

Clients value the services they receive from ProActive ReSolutions through in-person interventions and these should not be limited or removed. Trust between the company and user of the tool have been pre-established. As a result, a MODR tool provided by ProActive ReSolutions to its existing clients can focus on convenience and expertise. An interactive asynchronous tool that would support knowledge retention could create the desired learning and skill maintenance outcomes that participants described in the findings of this project. These first two recommendations address the needs of the clients as reported by study participants. The third recommendation reflects a less common but still present interest amongst participants in virtual mediation options which, should the company choose to explore, would require significant further research.

8.0 Conclusion

This project set out to establish an understanding of whether or not MODR tools could enhance the services ProActive ReSolutions provides to their government clients. It found that clients perceive significant potential benefits from the introduction of MODR tools designed to help with skills development and knowledge retention. The continued delivery of in-person interventions by the company combined with the introduction of a MODR tool will add value to services that are provided to clients. If ProActive ReSolutions is interested in pursuing ODR options for hosting online mediations, further research is necessary and should incorporate their wider client base.

It has been established that client receptivity towards MODR tools is high but attitudes towards the use of ODR vary significantly. The literature suggests that approaches toward computer mediated communication vary most significantly according to the age of the user. In the modern day working world, all government office workers can be expected to make use of computers for, at least, basic communication. This study built on the understanding of individual attitudes by expanding the parameters of conversation in the interviews to take group attitudes within the workplace into consideration. Considering group attitudes towards generic online communication has helped develop a deeper understanding of the potential for success or failure of ODR processes. Differences in client receptivity to various ODR applications are attributable to diverse workplace cultures and expectations, therefore knowledge of these factors can help determine where and how to apply ODR/MODR tools to provide ideal support.

This project explores a small segment of an increasingly diverse field in which the fast paced evolution of ODR can quickly surpass research. If a MODR tool is introduced to support intervention services, client feedback should be collected and integrated into the tool on an ongoing basis. This will help ProActive ReSolutions remain up to date with client needs and stay current in the continuously changing field of ODR.

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Hello,

You are being invited to participate in a study entitled Mobile Online Dispute Resolution Tools: Potential Applications for Government Offices that is being conducted by Stephanie Gustin. I am a graduate student in the department of Public Administration at the University of Victoria (Canada). As a graduate student, I am required to conduct research as part of the requirements for a degree in Master of Arts in Dispute Resolution. This research is being conducted under the supervision of my academic supervisor, Dr. Norman Dolan. The study is also being conducted for Suzanne Stewart, Client Solutions Manager at ProActive ReSolutions.

If you would like to participate in this study or if you have any questions, please contact me by email at sdgustin@uvic.ca by no later than July 1st, 2017.

Purpose and Objectives

The purpose of this research project is to assess the potential impact of mobile online dispute resolution tools on the conflict intervention services currently offered by ProActive ReSolutions. The project will provide an assessment of how receptive ProActive ReSolution clients are to using online dispute resolution tools and whether or not their introduction would enhance current conflict intervention services. The impact of these tools on the relationship building aspect of dispute resolution will also be evaluated. Findings will be provided to ProActive ReSolutions in the form of a report and will be used for the purposes of the researcher's graduate thesis.

Participants Selection

You are being asked to participate in this study because of your experience participating in workplace conflict intervention services offered by ProActive ReSolutions. Participants for this study have been recruited through the joint efforts of ProActive ReSolutions and the researcher.

What is Involved

Participants will be required to partake in a thirty minute telephone interview with the researcher. No preparation for the interview is necessary and there will be no follow-up requirements. An audio recording of the interview will be made and written notes will be taken.

If you express interest in participating in this study, you will receive a consent form via email. Interviews will take place from mid-June through August and will be scheduled with each participant via email following the receipt of a signed consent form.

Anonymity

No names, titles or other identifying characteristics will be used in the reporting of this research. Once data from the interviews has been coded, there will be no way to identify which individual participant it came from. Due to the nature of participant selection, ProActive ReSolutions will be aware of which of their clients have been put forward to participate in the study. However, the identity of individuals who submit a signed consent form and participate in the study will be known only by the researcher.

Please retain a copy of this letter for your reference.

Appendix B: Interview Questions

These questions are intended to give guidance for participant interviews, while providing space for participants to contribute views and experiences they feel are important to the subject. Questions will not necessarily be asked in this order.

- How often do you engage with people who are working at a different location?
- How do you currently use online tools to communicate with your colleagues?
 - Follow-up/prompting questions, if necessary:
 - What role does online communication play in disputes and conflicts?
 - Do you use online tools to communicate with people who work at the same location as you?
- Tell me about your experiences building relationships through online methods of communication.
- If you think about your work relationships which rely on online communication, what role does trust play? (*i.e. how is it developed, maintained or broken?*)
- Tell me about your experiences using online dispute resolution tools (*e.g. ODR specific services, mediations, online training seminars, telecommunications tools to resolve disputes, etc.*)
- What do you think about introducing mobile online dispute resolution tools to the services you receive from ProActive ReSolutions? Mobile online dispute resolution tools are tools which can be accessed by individuals on personal computers, cellphones, blackberries, etc.



Mobile Online Dispute Resolution Tools: Potential Applications for Government Offices

You are invited to participate in a study entitled Mobile Online Dispute Resolution Tools: Potential Applications for Government Offices that is being conducted by Stephanie Gustin.

Stephanie Gustin is a graduate student in the department of Public Administration at the University of Victoria (Canada) and you may contact her if you have further questions by email at sdgustin@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Master of Arts in Dispute Resolution. It is being conducted under the supervision of Dr. Norman Dolan. You may contact my supervisor at njdolan@uvic.ca.

This study is also being conducted for a client. Suzanne Stewart, Client Solutions Manager, ProActive ReSolutions.

Purpose and Objectives

The purpose of this research project is to assess the potential impact of mobile online dispute resolution tools on the conflict intervention services currently offered by ProActive ReSolutions. The project will provide an assessment of how receptive ProActive ReSolutions clients are to using online dispute resolution tools and whether or not their introduction would enhance current conflict intervention services. The impact of these tools on the relationship building aspect of dispute resolution will also be evaluated. Findings will be provided to ProActive ReSolutions in the form of a report and will be used for the purposes of the researcher's graduate thesis.

Importance of this Research

Research of this type is important because online dispute resolution is a relatively new and quickly evolving sector of dispute resolution. The existing literature about the applications of mobile online dispute resolution tools for workplace disputes and conflicts is limited. This research will improve the general state of knowledge, as well as enabling ProActive ReSolutions to provide improved services to their clients.

Participants Selection

You are being asked to participate in this study because of your experience with workplace conflict intervention services offered by ProActive ReSolutions. Participants for this study have been recruited through the joint efforts of ProActive ReSolutions and the researcher.

What is Involved

If you consent to voluntarily participate in this research, your participation will include a thirty minute telephone interview with the researcher.

An audio recording of the interview will be made and written notes will be taken.

Inconvenience

Participation in this study may cause some inconvenience to you, including the time taken to complete the interview. No preparatory or follow-up work is required of the participant.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include providing information to ProActive ReSolutions which can be used to develop better tools for participants to use in workplace conflict interventions. The findings of this research will potentially reduce levels of conflict in a variety of workplaces around the world. Additionally, information gathered through this research will improve the understanding of mobile online dispute resolution tools and their application to workplace disputes and conflicts.

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 choose to withdraw from the study prior to your data being coded it will be destroyed and not used in the data analysis. If you choose to withdraw from the study after your data has been coded your data will be impossible to remove from the data base.

Anonymity

No names, titles or other identifying characteristics will be used in the reporting of this research. Once data from the interviews has been coded, there will be no way to identify which individual participant it came from. Due to the nature of participant selection, ProActive ReSolutions will be aware of which of their clients have been put forward to participate in the study. However, the identity of individuals who submit a signed consent form and participate in the study will be known only by the researcher.

Confidentiality

Your confidentiality and the confidentiality of the data will be protected through the use of password protected computer files on a secure hard drive.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways: with the researcher's thesis supervisor and defence committee; with ProActive ReSolutions via a written report; on the university's internet (UVicSpace). Data gathered in this study may be shared by the researcher in the future through published articles and/or through presentations at scholarly meetings.

Commercial Use of Results

This research may lead to a commercial product or service. The nature of this commercial use is to improve the dispute and conflict interventions offered by ProActive ReSolutions through the creation of new and/or improved products and services.

Disposal of Data

Written material from this study will be destroyed one year after the completion of this study. Electronic data from this study will be disposed of two years after the researcher graduates. Electronic data files will be overwritten and rendered unretrievable.

Contacts

Individuals who may be contacted regarding this study include the researcher and research supervisor. Refer to the contact information at the beginning of this consent form.

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).

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.

Name of Participant *Signature* *Date*

Future Use of Data PLEASE INDICATE WITH YOUR INITIALS YOUR APPROVAL OF ONE OF THE FOLLOWING STATEMENTS:

I consent to the use of my data in future research: _____

I **do not** consent to the use of my data in future research: _____

A copy of this consent will be left with you, and a copy will be taken by the researcher.

Appendix D: Initial Codes

Actively creating trust
Apps
Asynchronous usage
CMC seen as a problem
CMC-only relationship
Communication across multiple buildings
Communication across multiple cities
Communication across multiple countries
Communication across multiple time zones
Communication within a single office
Cost-saving
Customizable
Documentation
DR systems do not use CMC
DR systems involve CMC
Ease of use
Email
Emojis
External communication
Facebook
Formal DR systems
Has ODR experience but does not recognize it
Humanized technology
Informal
Informal DR systems
Information sorting
Instagram
Instant Messaging
Intentional relationship development via CMC
Interactive
Interested in knowing what M/ODR tools are out there
Interested in simulated scenarios
Internal communication
Intranet
LinkedIn
Locations have no impact on communication
M/ODR to bridge PA training
MODR experience
Multi-party relationships
Neutral towards MODR tools
Neutral towards ODR tools
No ODR experiences
Non work related ODR experience
Official Websites
One-on-one relationships
Online tours
Open to education MODR tools
Open to education ODR tools
Open to MODR tools
Open to multi user ODR tools
Open to ODR tools
Open to single user ODR tools
Open to virtual mediation
Opposed to MODR tools
Opposed to ODR tools
Personal computers
Phone
Pinterest
Primarily use email
Promoting engagement through CMC
Quick responses
Recognized ODR experience
Relationships actively developed through CMC
Relationships do not rely on CMC
Relationships exist prior to CMC usage
Relationships maintained through online communication
Reliable
Security
Skype
Slack Channels
Smart phones
Social Media
Standard of devices
Synchronous usage
Tablets
Technology to bring people together

Training videos
Transparency
Trust negatively impacted by CMC
Trust positively impacted by CMC
Trust required prior to ODR
Trust supported by CMC
Twitter
Unofficial websites
Unrecognized ODR experience
Versatile technology
Video

Videoconferencing
Visual
Weaknesses of CMC
WebEx
Webinars
Websites used for one way communication
Websites used for two way communication
Work related ODR experience
Workers are mobile or rotate through
different locations

Appendix E: Intermediate Coding Groups

Communication Platforms
Dispute Resolution Systems
Experience
Geography
Miscellaneous
Receptivity
Relationships
Technology
Trust