

Office for Conflict Resolution

Annual Report
2016-17



Office for
Conflict Resolution

UNIVERSITY OF MINNESOTA

The Office for Conflict Resolution (“OCR”) is a resource for non-labor-represented University faculty, staff, and student employees to assist in the resolution of workplace disputes — either through informal problem-solving initiatives or a peer hearing process. By listening to employment concerns and offering a range of processes to respond to challenges, the OCR promotes a University culture of engagement and achievement. The OCR is a neutral and independent office; it is not part of either the Office of Human Resources or the Office of the General Counsel. Conflict resolution services are offered confidentially, subject only to limited exceptions.

BOARD OF REGENTS POLICY: Conflict Resolution Process for Employees and the implementing administrative procedures require that the office prepare an annual report about the work of the office that includes a summary of issues raised, decisions rendered in the hearing process, and the instances in which the Executive Vice President for Academic Affairs and Provost declined to accept the recommendations of a peer panel. The policy and procedures also require that this report be distributed to senior administrators and governing councils for faculty, staff, and students.

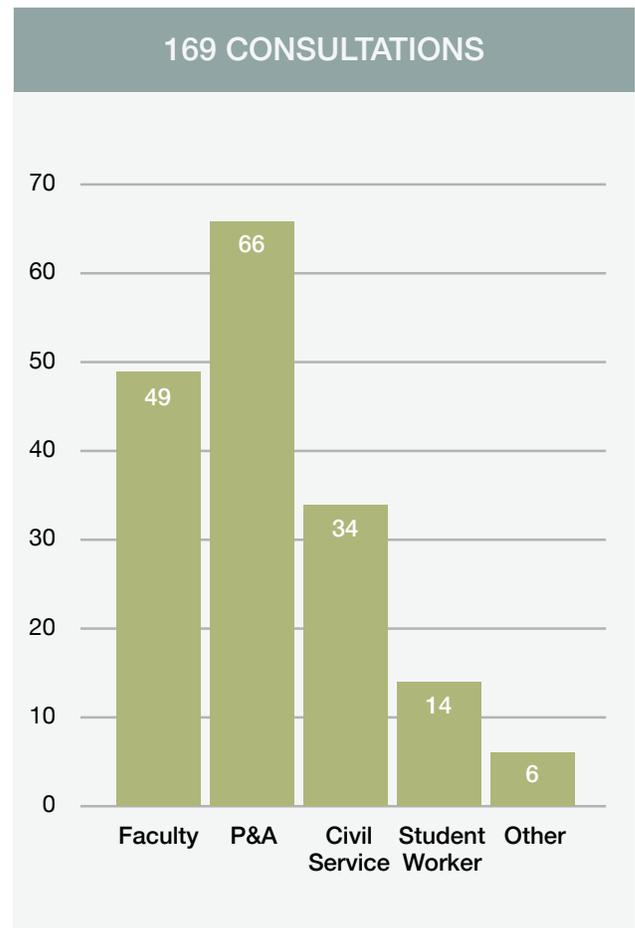
This annual report covers the period July 1, 2016, through June 30, 2017 (FY17).

SUMMARY DATA ON CONFLICT RESOLUTION ACTIVITIES IN 2016-2017

Consultations and Informal Assistance

Informal conflict resolution matters are the largest part of the office workload. Consultations are face-to-face meetings (or sometimes video or telephone conferences, particularly with employees on system campuses) about workplace concerns or problems. The following statistics count the people who came to the office for one or more consultation meetings in FY17. Some consultations resulted in several meetings conducted over many months. Telephone inquiries and referral calls are not counted in the total number of consultations.

In FY17, office staff conducted 169 consultations, compared to 186 in FY16. Of these 169 matters, 49 were with faculty members; 66 with Professional & Administrative (“P&A”) employees; 34 with Civil Service employees; 14 with graduate and undergraduate student workers; and five were with people in other employment categories. Five of the 169 consultation matters resulted in the employee filing a petition.

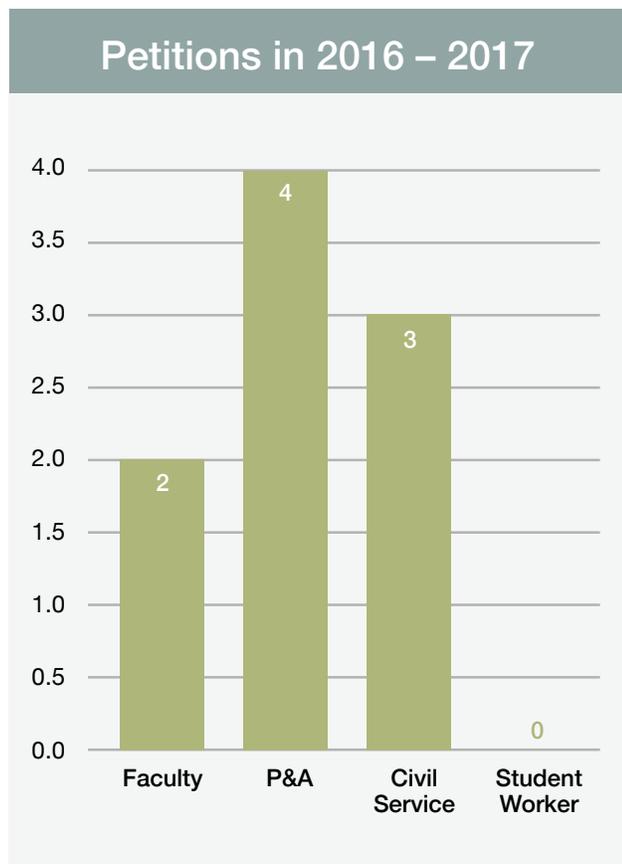


Petitions

Petitions are formal complaints that allege a violation of a University rule, regulation, policy, or practice. A three-person peer panel conducts a hearing and makes recommendations to the Executive Vice President for Academic Affairs and Provost, who makes the final University decision.

During FY17, there were nine open petitions—five newly filed and four from FY16 that were continued for processing in FY17. Of the five new petitions, two were filed by P&A staff, two by Civil Service staff, and one by faculty.

Of the nine open petitions processed in FY17, three resulted in peer hearings (addressed below), and three were carried forward for processing in FY18. Of the three cases in which hearings were held, one was settled prior to the issuance of a final decision by the Executive Vice President and Provost.



Jurisdictional Challenges and Advisory Determinations

Informal consultations are available to faculty, staff and student employees without jurisdictional thresholds. There are jurisdictional requirements, however, for initiating a formal petition requesting a peer hearing.

The Conflict Resolution Policy provides a procedure for determining if a particular matter is within the jurisdiction of the peer hearing process. When there is a jurisdictional challenge, the Director makes an advisory determination on the jurisdictional issue, which is subject to review by the Executive Vice President and Provost.

In FY17, the Director issued two advisory jurisdictional determinations. In one case, a P&A employee filed a petition alleging that the University had violated several policies related to his job duties and compensation. The respondent challenged the timeliness of the filing of the petition generally, and argued that certain actions being challenged had occurred more than six weeks before the filing of the petition and therefore were not subject to review. The respondent also argued that some of the remedies sought were beyond the jurisdiction of a peer hearing panel to grant. The petitioner submitted a statement opposing the challenge.

Following review of the evidence submitted, the Director determined that petitioner's claims were not time-barred. The matter had been submitted to the OCR within six weeks of the specific actions being challenged, and the petition was filed within two months of the date of submission in accordance with the time limits specified in the Conflict Resolution Policy. In addition, the Director determined that while requests for review and modification of University policy were outside the jurisdiction of the peer hearing panel, the panel could appropriately consider claims for back pay, lost benefits and/or revocation



of discipline. Neither party appealed the jurisdictional ruling.

The second jurisdictional decision issued by the Director also addressed the timeliness of a petition. In that case, a faculty member filed a petition contesting certain decisions relative to his employment, compensation, office and administrative support. The respondent alleged that the petition had not been filed in a timely manner. After careful review of the parties' arguments, the Director denied the challenge. Neither party appealed the jurisdictional ruling.

Peer Hearings and Decisions of the Executive Vice President for Academic Affairs and Provost

A peer hearing on a petition is conducted before a three-person panel of University faculty or staff. A hearing officer is selected from a roster of hearing officers nominated by faculty and staff committees and appointed by the Vice President for Equity and Diversity. A second panel member is selected by the petitioner from a roster of panelists appointed by representative employee committees. A third is appointed by the responsible senior administrator. After the hearing, the panel prepares a written recommen-

dation that is distributed to the parties and to the Executive Vice President and Provost, who makes the final University decision on the matter.

In FY17, there were three peer hearings conducted. This is compared to zero held in FY16. One of those cases was settled prior to issuance of a final University decision. One hearing was held in June 2017 and did not result in a final decision in FY17. In the third case, the panel unanimously found no violation of University policy and dismissed the petition. The Executive Vice President and Provost affirmed the panel's decision.

Arbitration Hearings

If a petitioner receives an unfavorable decision from either a peer hearing panel or from the Executive Vice President and Provost, the petitioner may elect to proceed to binding arbitration. To proceed to arbitration, the petitioner waives rights to pursue the claim in another forum. Alternatively, the petitioner may also have the right to appeal the decision to the Minnesota Court of Appeals by a writ of certiorari.

During FY17, there were no arbitration hearings, nor were there any in FY16.



System Campuses

The Conflict Resolution Policy applies to all campuses. In FY17, there were 13 consultations and 2 petitions filed involving faculty, P&A, and Civil Service staff on system campuses. OCR visited the Morris campus twice in FY17, offering confidential consultations and presenting an educational workshop on each occasion. OCR also visited the Duluth campus twice in FY17, conducting educational programming for faculty at the Swenson College of Science and Engineering on one occasion and conducting a facilitated dialogue on the second. Two visits were also made to the Rochester campus to provide training and consultation. OCR presented a workshop on conflict resolution during a FY17 professional development day on the Crookston campus and conducted a facilitated dialogue during the same visit.

Issues and Trends

There are a number of issues presented by visitors to the OCR that appear to remain relatively constant. These include poor communication from leaders and coworkers, an inability or unwillingness to hear and respond to employee concerns and perspectives, behaviors that were intimidating, insulting or shaming, disrespectful email communication and inconsistent application of rules and policies. Visitors to the OCR were often disappointed to learn that there are no specific policy guidelines defining or addressing bullying or other forms of inappropriate behavior, and to learn that the policy most often cited in informal consultations – the Board of Regents policy: Code of Conduct – does not create an independent right to challenge problematic actions. In addition, employees in all classes continue to express significant reluctance to raise issues due to fear of retaliation.

Visitor reports of concerns regarding the mental health and wellbeing of supervisors, coworkers and students are increasing. Specifically, in many cases, visitors report the perception that an individual may be suffering from a mental health condition which is interfering with the ability to be successful academically or in the workplace. There is a desire to require mental health evaluation, which is rarely possible or appropriate. Additional resources and training around how to address mental health concerns are recommended.

FY17 also saw a rise in the number of cases presenting issues of discrimination, primarily based on race, gender or disability. The OCR refers visitors who want concerns based on a protected identity investigated to the Office of Equal Opportunity and Affirmative Action. The OCR has no investigative authority, but, with the permission of the visitor to the office, can make informal inquiries on behalf of a visitor that may resolve concerns in some situations.

Finally, it became increasingly clear in FY17 that many problems within the University workplace are driven by the lack of articulated expectations about the appropriate response when problematic behavior is observed or experienced. In most cases, those reporting such concerns were not encouraged to make any effort to resolve the difference directly, despite evidence that suggests that is the most successful approach. This is likely because individuals lack the necessary skills and training to do so effectively. Notably, this is true even for those employees who direct the work of others. In a number of cases, supervisors or academic leaders were not able to effectively address conflict because of their own discomfort in communicating difficult messages. Resources for individuals confronting these challenges are limited, sometimes difficult to access and often perceived as ineffective.

In addition to these common concerns, visitors in different positions reported unique problems. For tenured and tenure-track faculty, concerns regarding promotion, tenure, and academic freedom go to the Senate Judicial Committee. Most other issues can be brought to the Office for Conflict Resolution. This year, the most common concerns raised by faculty involved failure to provide and adhere to clear and consistent guidelines concerning faculty annual reviews, failure to manage conflict in a proactive and effective way, failure of administrative leaders to respond to concerns orally or in writing, failure of administrative leaders to be willing and/or available to hear and address concerns, and failure to take action in response to concerns raised.

For Civil Service employees, concerns were raised about discipline, violation of Civil Service Rules regarding probation, termination of employment, layoff and bumping rights, retirement benefits, difficult working relationships, performance management issues, and poor supervision. In general, concerns were raised about whether the Civil Service Rules are considered enforceable standards or mere recommendations for supervisors.

P&A issues included non-renewal (specifically, being surprised by non-renewal where no performance concerns had previously been addressed, or non-renewals that were perceived to violate other University policies), hostile working environments, discrimination, retaliation, ethical concerns, poor communication and working relationships, and change management.

ADDITIONAL ACTIVITIES BY THE OFFICE FOR CONFLICT RESOLUTION AND THE ADVISORY COMMITTEE

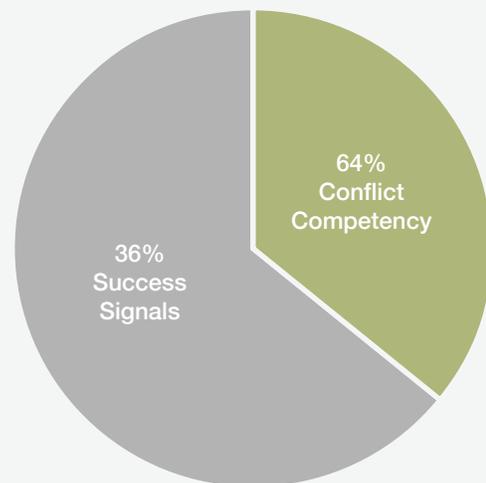
Educational Initiatives and Programming

In FY17, the OCR broadened its educational programming efforts. Training related to conflict resolution skills was delivered 27 times in multiple departments and units across the University. Conflict competency emphasizes that conflict is an inevitable product of complex human relationships, and discourages the common but ineffective desire to ignore or avoid difficult issues. Often, there is a desire to address the conflict, but not the skill set to do so effectively. This programming provides practical assistance to employees wishing to raise concerns in a constructive manner and to leaders wishing to manage difficult situations more effectively.

The OCR also offered a workshop called Success Signals© 15 times in FY17 to groups on multiple campuses. Success Signals focuses on understanding the intersection between communication and conflict. Studies show that over two-thirds of all conflicts are rooted in differences in communication styles – the “how” something is communicated, rather than the “what.” Success Signals is a highly interactive workshop that enables participants to become more aware of the strengths and weaknesses of their own innate style preferences, and to identify the style preferences of others. With the resulting knowledge, individuals can better adopt practices that enable effective communication and reduce the incidence of conflict.

Program partners and sponsors include the Office for Equity and Diversity (“OED”), the Office of Graduate Medical Education, the Office of Human Resources, the Office of the Vice Provost for Faculty and Academic Affairs, Academic Health Center

2016 – 2017 Educational Programming



Human Resources, the Center for Educational Innovation, the College of Food, Agricultural and Natural Resource Sciences, the Clinical and Translational Science Institute and other academic departments and units.

Outreach and Engagement

OCR partnered with the Office of Human Resources in presenting conflict resolution workshops as part of the College LEADS program, and also frequently works with the Office of the Vice Provost of Faculty & Academic Affairs to provide tailored programming to new heads and chairs within academic departments. In addition, the OCR continues an active role in the Academic Civility Work Group, a group convened by the Student Conflict Resolution Center. The group maintains the Working Bet-

ter Together (“WBT”) website, <http://wbt.umn.edu>. The WBT website provides resources for University employees on a variety of topics, and highlights articles of interest to the entire University community.

OCR Director Julie Showers served as a mentor in the LEAD (Leadership, Engagement and Development) Program offered by the Office for Equity and Diversity for the second time in FY17. The LEAD program seeks to develop and increase the leadership capacity of University students, staff, faculty and alumni. The yearlong program develops leadership through mentoring, personal assessment and reflection, educational programming, targeted skill-building through group work, and community building. The LEAD Program frames leadership development around understanding ourselves, our communities, and our work in the larger context of equity and diversity.

Showers co-presented a module on the advisor-advisee relationship along with Student Conflict Resolution Center Director Jan Morse at the Academy for Distinguished Teachers Biennial Conference in April 2017. In addition, Showers was a guest lecturer in both graduate and undergraduate classes in the College for Liberal Arts and the Carlson School of Management. She also continued her service on the Board of Trustees of Hamline University.

Partnership with the Office for Equity and Diversity

The Office for Conflict Resolution is one of seven offices and major initiatives within the Office for Equity and Diversity at the University. These offices partner in advancing a climate that is inclusive, respectful and collaborative. OCR Director Showers serves on the OED training team and works with the OED Director of Education and other colleagues in providing requested programming to various units and depart-

ments. In FY17, Showers co-facilitated Equity and Diversity Certificate Workshop, Facilitating Difficult Conversations Around Issues of Equity and Diversity, eight times as part of the OED Certificate Workshop Program.

Advisory Committee and Annual Survey

An Advisory Committee oversees the work of the Office for Conflict Resolution. It addresses policy concerns and reports on the work of the office to the Vice President for Equity and Diversity. Rod Squires, Associate Professor, Geography, Environment, and Society, served as Chair of the Conflict Resolution Advisory Committee in FY17.

In FY17, the Committee engaged in the five-year review process as required by the Conflict Resolution Policy and related administrative procedures. Reviewing the recommendations made by the external review panel in FY16, as well as the function of the office and the efficacy of its programs, the Committee made recommendations consistent with those in the external review report, a copy of which is available upon request to OCR.

To evaluate visitor satisfaction, an email survey was sent to petitioners and those who consulted with this office in FY17. The survey solicited anonymous responses, which are reviewed by the Advisory Committee and forwarded with an annual report on the performance of the office to the Vice President for Equity and Diversity. Feedback received during FY17 reflects that visitors felt safe and comfortable addressing their concerns with the OCR, and appreciated assistance in identifying resources and options for moving forward. Skill-building sessions were also perceived as beneficial.

Visitor Feedback



FY17 Conflict Resolution Advisory Committee:

Roderick Squires (Chair)
Associate Professor Geography

Jill DeBoer, Director
Office of Emergency Response, Academic Health
Center
Mary Belisle, HR Consultant
School of Public Health

Maxwell Hurst, Undergraduate Student
College of Liberal Arts

Michael LuBrant, Program Director/
Assistant Professor
Program of Mortuary Science

Jon Steadland, Associate to the Deputy
Chief of Staff for Policy and Initiatives
Office of the President

Megan Sweet, Chief of Staff and Assistant to
the Vice Provost and Dean
Office for Student Affairs

Staffing

Julie Showers was the Director of the OCR throughout FY17. She has served in this capacity since August 2014. Amanda Klepp is the OCR Program Coordinator. Mary Tate, Director, Minority Affairs and Diversity, Medical School, is a consultant to the OCR and provides additional resources for University employees, particularly in cases that may present a conflict of interest for full time office staff.

More information about the staff is available at ocr.umn.edu/about.

Office for
Conflict Resolution

UNIVERSITY OF MINNESOTA

Office for Conflict Resolution
662 Heller Hall
271 – 19th Avenue South
Minneapolis, MN 55455

612-624-1030
612-625-0889 (fax)
ocr.umn.edu

