



UNIVERSITY OF MINNESOTA



Annual Report

2009-2010



OFFICE FOR
CONFLICT RESOLUTION

OPTIONS FOR WORKPLACE DISPUTES



SUMMARY DATA ON CONFLICT RESOLUTION PROCESSING IN 2009-2010

The Office for Conflict Resolution helps University faculty, staff, and student workers resolve workplace disputes—either through informal problem-solving initiatives or through a peer hearing process. The Regents policy and implementing administrative procedures require that the office prepare an annual report about the work of the office, including a summary of issues raised in petitions, decisions rendered, and the instances in which the Senior Vice President 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, 2009, through June 30, 2010.

The work of the Office for Conflict Resolution proceeds in the broader context of the University's goals for breakthrough research, world-class faculty and staff, and outstanding organization. These are achievable when faculty and staff are fully engaged in their work. Engagement flows from long-term trust and confidence in the organization. Trust and confidence are enhanced when people feel the organization is responsive to their legitimate needs. By helping faculty and staff raise and resolve the predictable conflicts that arise in an academic enterprise, the Office helps the University build employee engagement and achieve its goals.

Staffing

Carolyn Chalmers, Director, and Jean Henrichsen, Program Coordinator, staffed the Office for Conflict Resolution in FY10, and Mary Tate, Director, Office of Minority Affairs and Diversity, Medical School, served as Deputy Director. Pat Bruch, Associate Professor, Writing Studies, served as Chair of the Conflict Resolution Advisory Committee. The Conflict Resolution Advisory Committee includes faculty, P&A, Civil Service, and student representatives.

Consultations and Informal Assistance

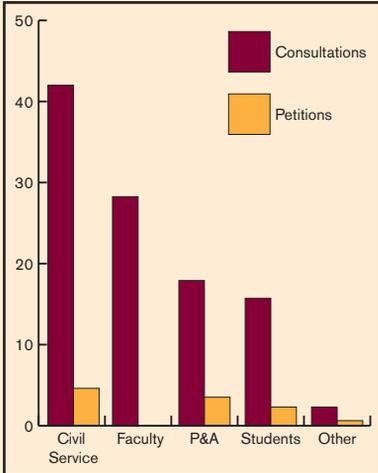
Informal conflict resolution initiatives continue to be the largest part of the

workload of the office. Consultations are face-to-face meetings (or sometimes telephone conferences with employees on the coordinate campuses) about workplace concerns or problems. The following statistics count the persons who came into the office for one or more consultation meetings in FY10. In some cases, a matter involved several meetings over several months. Telephone contacts and referral calls are not counted in the total number of consultations.

In FY10, office staff had 107 consultation matters, compared to 104 in FY09. Of these 107 matters, 27% were with faculty; 15% were with P&A employees; 40% were with Civil Service employees; and 18% were with graduate



**Number of Consultations/Petitions
by Employee Group FY10**



student academic workers, undergraduate student workers, and others. Six of the 107 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 Senior Vice President and Provost, who makes the final University decision.

During FY10, 10 new petitions were filed, compared to 11 petitions in FY09 and 17 petitions in FY08. In addition to the 10 new petitions, seven petitions filed prior to FY10 were continued for active processing. Over the course of the year, 13 petition files were closed, compared to 10 closed in FY09.

Of the 17 petitions actively processed in FY10, 10 were concluded without a hearing due to settlement or dismissal. Of the seven remaining matters, two resulted in final decisions for the University and two resulted in final decisions for the petitioner. Three petitions were continued for additional processing in FY11.

JURISDICTIONAL CHALLENGES AND ADVISORY DETERMINATIONS

The Conflict Resolution Policy provides a procedure for determining if a particular matter is within the jurisdiction of the peer hearing process. The Director or a hearing officer makes an advisory determination, which is forwarded to the Provost for a final determination.

In FY10, jurisdictional challenges were presented in three cases. One jurisdictional challenge, involving the termination of a Civil Service employee, was decided by the hearing officer in the University's favor on the grounds that the petitioner unreasonably delayed. On review, the Provost agreed and directed that the petition be dismissed.

Another jurisdictional challenge involved the non-renewal of a P&A employee. The Director determined that the petition, which alleged a violation of the notice requirement, was permitted under the policy. The respondent did not request review of this decision.

The third issue involved the termination of a Civil Service employee. The respondent alleged that the petitioner did not identify a policy violation. The hearing officer's decision stated that the petitioner could proceed on only one of four alleged violations. The Provost accepted the hearing officer's decision.

PEER HEARINGS AND DECISIONS OF THE SENIOR VICE PRESIDENT 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 Senior Vice President for System Academic Administration. A second member is selected by the petitioner, and a third is appointed by the responsible senior administrator. After the hearing, the panel prepares a written decision that



is distributed to the parties and to the Provost, who makes the final University decision in the matter.

In FY10, there were four peer hearings compared to one in FY09. The panels favored the petitioner in three cases and the University in one case. The Provost accepted the panel decisions in three cases and rejected one panel decision.

In one case, a P&A employee alleged that there was no just cause for early termination. The panel decision was partially in favor of the petitioner. The Provost rejected the panel decision. The matter went to arbitration and the arbitration panel found in the University's favor.

Another matter involved the termination of a graduate student from his teaching assistant assignment. The panel found partially for the petitioner. The Provost accepted the panel decision.

A Civil Service employee challenged her termination on the grounds that there was no just cause. The panel decision was against the petitioner. The decision was accepted by the Provost.

Another Civil Service employee challenged her termination on the grounds that she had passed probation and there was no just cause. The decision was in favor of the petitioner, and the Provost accepted the decision.

ARBITRATION HEARINGS

If the petitioner receives an unfavorable decision from either a peer hearing panel or from the Provost, the petitioner may elect to proceed to binding arbitration. To proceed to arbitration, the petitioner waives all rights to pursue the claim in another forum and agrees to pay one-half of the arbitrator's fees.

During FY10, one matter was arbitrated. (In FY09, there were no arbitrations.) The petition involved the early termination of a P&A employee, who felt he had been terminated without just cause. The arbitration panel decision was in favor of the University.

Coordinate Campuses

The Conflict Resolution Policy applies to all campuses. In FY10, there were seven consultation matters with employees on the Duluth and Morris campuses. Two formal petitions were submitted from the Duluth campus. One matter, which involved the non-renewal of a P&A employee, was settled. In another matter, a Civil Service employee filed a petition regarding discipline; this matter was continued for processing in FY11.

Issues and Trends

Some issues in FY10 were related to budgetary pressures. People complained of heightened stress and conflict in the workplace, greater work demands, changing expectations by supervisors, and shortcuts to achieve cost savings.

Human Resources initiatives to recover compensation or benefits due to overpayment, misclassification of an employee, inaccurate seniority lists for layoff, and calculation of breaks in service were a source of complaints.

During transition in University leadership, middle management has come in for criticism for failing to address inappropriate workplace conduct and failing to inform regarding upcoming changes in the workplace.

Several issues often fuel an individual complaint. In informal consultations, the predominant concerns were issues with the work environment and culture: disrespectful work behaviors, slackard behavior by co-workers, supervisory inaction, and inflexible supervisory decisions. The policy most often cited in informal consultations was the Board of Regents policy: *Code of Conduct*. In contrast, most formal petitions concerned termination of employment and cited violations of the Civil Service Rules.

Some issues that were raised have systemic implications. These differ for different employee groups. For Civil Service employees, several complaints



Issues Raised	Petitions	Consultations
Disrespectful work environment	0	32
Supervision	2	16
Termination of employment	10	11
Assignment of work	0	10
Problematic employee relationships	0	10

Policies Cited	Petitions	Consultations
Code of Conduct	0	49
Civil Service Rules	5	13
Tenure Code	0	8
Student/Grad Asst Employment Rules	1	5
Employment contract	1	4

concerned Civil Service Rule 13 regarding discipline and dismissal, as well as Rule 9, Performance Appraisal.

P&A employees submitted three petitions this year regarding benefits, retaliation, and early termination. They consulted informally regarding work environment, professional development, and relationship between employees.

Faculty complaints cover a broad spectrum. Teaching issues include student evaluations and increased teaching loads. Disputes about gender equity, expected resources not provided, benefits, salary, sabbaticals, assignment of work, outside consulting, and office space were also raised this year.

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

Review of the Conflict Resolution Policy

The Board of Regents Policy: *Conflict Resolution Process for Employees* calls for a review of the administrative procedures implementing this policy every five years. The Conflict Resolution Advisory Committee and a workgroup of other stakeholders conducted this review in 2009-10. Recommendations include revisions in both format and in substance. With respect to format, the guidelines have been converted to the new University-wide format for administrative policies and procedures. With respect to

substance, recommended changes focus on the arbitration process and explanatory appendices.

Drafts of these policies have been widely reviewed. Approval is expected in the fall of 2010.

Educational Programming

The faculty's perceived need for effective problem solving and conflict management is reflected in the Pulse Survey, exit surveys, and SCFA and FCC initiatives. A collaboration of the Office for Conflict Resolution, the Vice President for Research, the Graduate



School, the Provost's Office, Human Resources, Equal Opportunity and Affirmative Action, and the Student Conflict Resolution Center began in 2008.

In FY09, the collaboration planned and sponsored two workshops for faculty.

In FY10, two additional workshops for faculty were provided. This project is ongoing and will be developing a third set of workshops for faculty in FY11.

An academic civility initiative began in 2008. An ad-hoc group of representatives from across the Twin Cities campus developed guides and tools for responding to, and managing, academic incivility. This office was a key participant in this initiative.

In FY10, this collaborative group began to focus on promoting quality advising for graduate students. In FY10, it developed guides and tools for promoting effective graduate advising. The work was coordinated with the Provost's Committee on Graduate Education. It is the basis for several educational programs in FY11.

In FY10, Office staff participated in many educational programs, including new Chairs orientation, new faculty orientation, supervisor training offered by Human Resources, and presentations to faculty and staff governance committees. In addition, the Director co-taught an upper level Alternative Dispute Resolution course in the Law School and presented at the International Ombudsman Association annual conference.

Annual Survey

The survey to petitioners and those who consulted with this office was again sent by email in FY10. Respondents, advisors, and administrators were sent a separate email requesting their comments on the services of the office and suggestions for improvements. Both emails allowed anonymous responses.

The office consistently receives positive feedback in the survey, although delays in the petition process and limitations on remedies available in that process are noted shortcomings.

Carolyn Chalmers, Director
Mary Tate, Deputy Director
Jean Henrichsen, Program
Coordinator

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

612-624-1030
612-625-0889 (fax)
ocr@umn.edu
<http://www1.umn.edu/ocr/>