



Office for  
**Conflict Resolution**  
UNIVERSITY OF MINNESOTA

## Office for Conflict Resolution **Fiscal Year 2022 Annual Report**

The University of Minnesota's Office for Conflict Resolution (OCR) is a resource for University faculty, staff and student employees, who are not represented by a union, 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 an impartial 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. OCR serves employees at all 5 University campuses including University Extension and University affiliated community and research institutions with University employees, such as the Bell Museum, the Landscape Arboretum, the Hormel Institute, and water/mining research stations.

### **Continued Adaptation to a Global Pandemic and Transitioning to Hybrid and In-Person Work**

In FY22 OCR continued to experience a demand for OCR services given the continuation of the COVID-19 global pandemic (post-vaccine) and the divisive presidential political campaign of the Summer and Fall of 2021. University employees also continued to adjust coming out of a primarily remote work environment to a hybrid or in-person model. Given the pressures caused by all of these factors, many employees at all levels continued to demand OCR services to address and resolve conflict in the workplace.

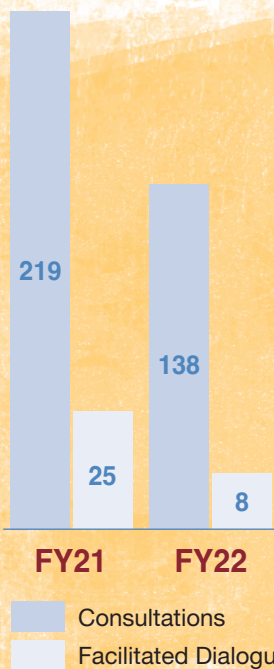
*By listening to employment concerns and offering a range of processes to respond to challenges, the OCR promotes a University culture of engagement and achievement.*

**138\***

CONSULTATIONS  
TO INDIVIDUALS

**8**

FACILITATED DIALOGUES  
& MEDIATIONS



Despite these pressures, OCR continued to deliver all of its informal and formal conflict resolution services, training and outreach, both virtually and in-person across the University of Minnesota 5 campus system, and Extension, in a timely and highly competent manner.

### Staff Changes

In October 2021 Amanda Klepp was elevated to a different role at the University. We modified that primarily administrative position to an Assistant Director position, one that could provide more direct and comprehensive conflict resolution services. In February 2022, after a 5 month search, OCR welcomed new Assistant Director John Fields. In late February 2022, Director Tamar Gronvall took a maternity leave. Former OCR Interim Director Eric Schnell was contracted in a part-time capacity and fulfilled many of the Director duties. In short, OCR which typically has a staff of 1.8 FT, had 1 FT for 9 out of 12 months of FY 2022, thus leading to a reduction\* in services. (See side graph comparing FY 2021 to FY 2022).

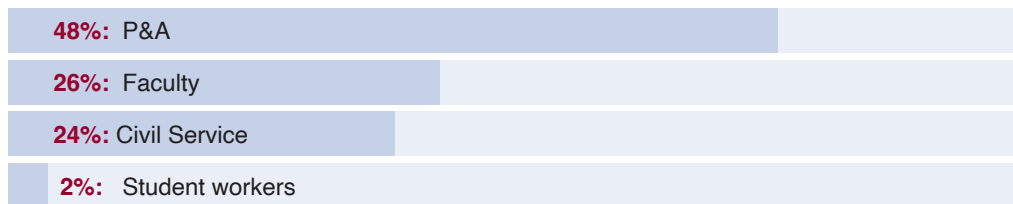
### Office of Institutional Compliance (OIT) Audit, Report and Presentation to Board of Regents

In FY 22 the Office of Institutional Compliance (OIC) completed an audit of Academic and Research Misconduct. The audit included reviewing the services of several University offices that handle complaints or concerns regarding academic and research misconduct, including OCR. After executing a confidentiality agreement which protected the identity of users of OCR services, the audit thoroughly examined each of OCR's services, processes and policies. The OIC issued a written report which did not find any deficiencies in OCR's services. In February 2022, the written report was presented to the Audit & Compliance Committee of the Board of Regents, and OCR Director Tamar Gronvall made a brief presentation to the Board.

## Informal Assistance

Informal conflict resolution matters are the largest part of the office workload. Before the global pandemic, consultations were typically face-to-face meetings about workplace concerns or problems. Given the mandatory fully-remote work in early FY21, consultations were held virtually, through Zoom. In FY22, with the return of in-person and hybrid work, OCR began offering in-person consultations. Consultations also included those employees who contacted OCR and were provided referrals to the correct offices. The following statistics represent the number of individuals who met with OCR staff for one or more consultation meetings in FY22. Numerous consultations resulted in several meetings conducted over many weeks, and occasionally months. Likewise, all phone or email inquiries are not counted in these totals. \*Specifically, of the 138 individual consultations, many of them entailed several follow-up consultations to assist in reaching a final resolution. Informal assistance consultations included 8 facilitated dialogues.

### Employee work groups that used OCR's Services



## Formal Assistance (Formal Grievance Process & 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 (Provost) who makes the final decision. If a petitioner receives an unfavorable decision from either a peer hearing panel or from the Provost, the petitioner may elect to proceed to binding arbitration or the Minnesota Court of Appeals. To proceed to binding 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.

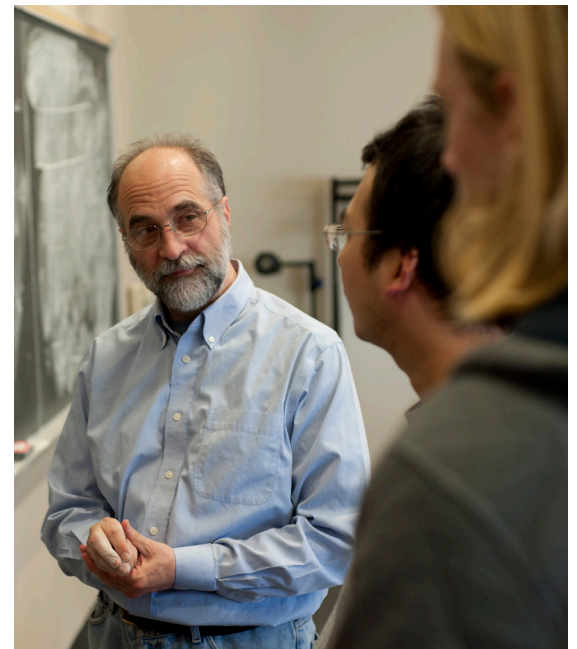
During FY22 there were no arbitration hearings, nor were there any in FY21. During FY22, the OCR had 0 petitions carry over from FY21 and received 3 new petitions in FY22 (an increase of new petitions from FY21), for a total of 3 active petitions. Of the petitions that were processed in FY22, 1 was a P&A employee and 2 were Civil Service employees. Of these 3 petitions; 1 was withdrawn, and 2 were settled before proceeding to a panel hearing. No cases proceeded from the Provost's final decision to the Minnesota Court of Appeals, nor toward binding arbitration. No petitions Culminated in Peer Panel Hearings, Recommendations & Provost's Final Decisions.

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

**0**  
PETITIONS CARRIED OVER  
FROM FY21

**3**  
PETITIONS FILED IN FY22

**0**  
OCR PEER HEARINGS  
CONDUCTED IN FY22



FY22:

5

Conflict Competency Workshops Delivered in-Person & Virtually

192

Total Participants of Conflict Competency Workshops

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 recommendation that is distributed to the parties and to the Provost, who makes the final University decision on the matter. In FY22:

- One petition involved a P&A faculty member, contesting retirement payments. This matter was settled following the Facilitated Dialogue, with a Settlement Agreement being drafted by OGC and reviewed and negotiated by OCR. Although the petitioner accepted the agreement, they did not receive the full amount of money they were asking for.
- One petition involved a Civil Service employee who left employment following the Facilitated Dialogue and withdrew their petition.
- The other petition involved a Civil Service employee who was terminated for making an error in judgment which resulted in destruction of U of M property, and alleged the termination was due to discrimination as prohibited under the Civil Service rules. The matter was settled at the Facilitated Dialogue, resulting in a Settlement Agreement, which was drafted by OGC and reviewed by OCR.

**Petitions Dismissed for Claims or Remedies Outside OCR’s Jurisdiction.** 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 policies provide 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 for Academic Affairs and Provost (Provost).



## Issues and Trends in OCR’s Services

In FY22 some themes emerged in delivering both the informal and formal assistance to University employees.

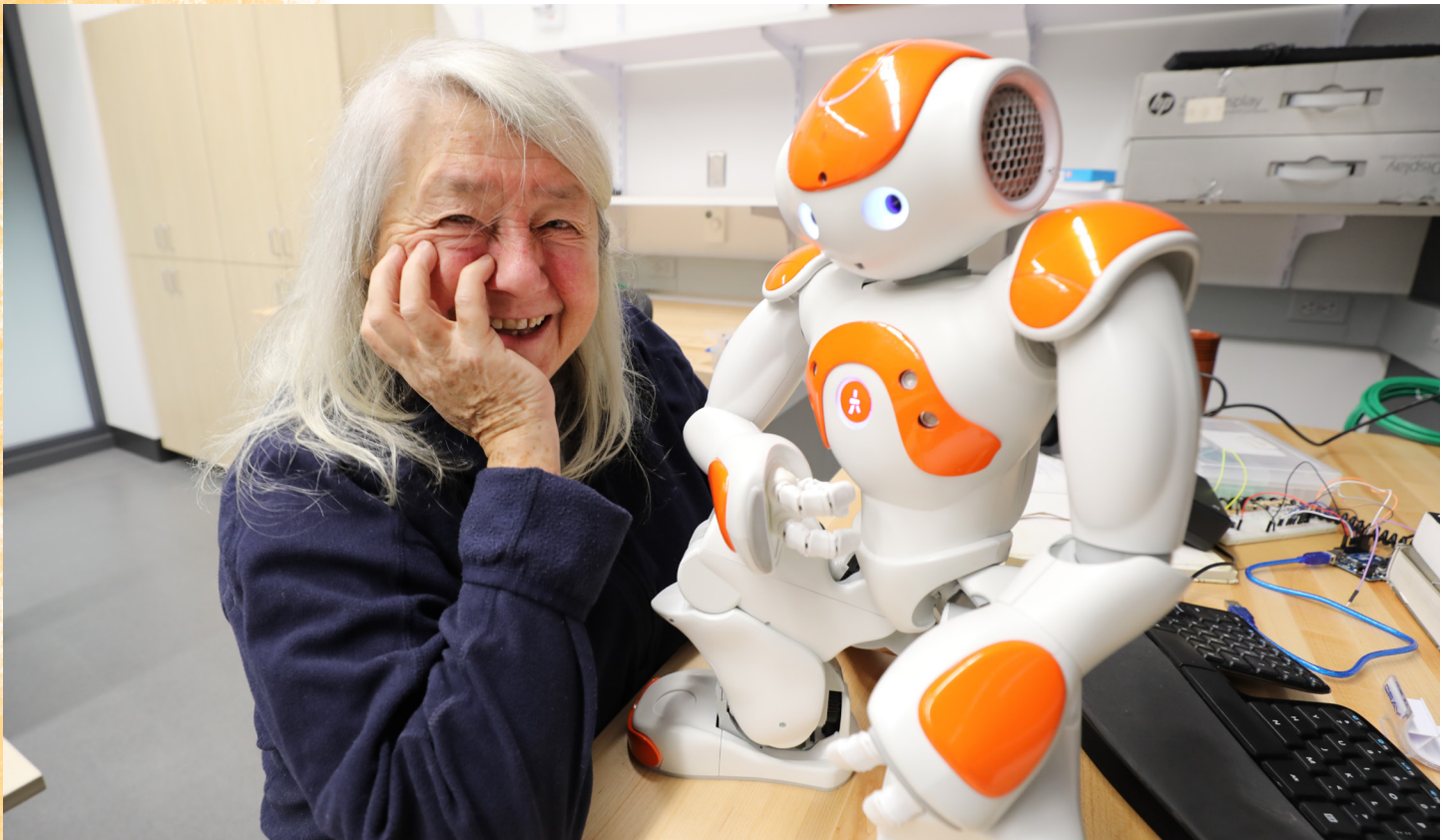
1. In FY22, the continued remote work environment and the move to hybrid work environments for some employees, continued to challenge leaders, managers and supervisors. For example, in the remote and hybrid work environment, it was difficult for new employees to build relationships, mentorship, and trust with their colleagues and managers, and to become integrated into their new units. For employees already experiencing challenged work relationships, the lack of in-person and consistent interaction further eroded trust and negatively impacted work performance and work environment and culture, for themselves and their colleagues. We worked with employees, managers and leaders across the University community to strategize ways to address misconduct and conflict and to communicate clearly both expectations and consequences and to enlist additional University resources of support. Units that adopted consistently scheduled in-person or hybrid work environments experienced the most benefit and improvement.
2. In FY22, faculty mistreatment of colleagues and non-faculty staff continued to be a



challenging issue. This behavior included disrespectful and repeated communication, particularly via email and Zoom. It also included faculty filing unsubstantiated and retaliatory complaints against colleagues who raised concerns regarding their misconduct, thus creating a culture of intimidation and retaliation, causing employees to leave their units. Unit leaders struggled to effectively stop this behavior, or to support staff negatively impacted by this behavior including retaliation (many of those impacted are women and people of color). For example, unit leaders often ignored the misconduct hoping it would eventually abate or minimize the negative impacts it had on others, or the unit. Some leaders failed to notify or effectively engage the University resources outside their units and some resources provided ineffective advice. Other leaders were hesitant to engage in basic remediation measures, including a difficult conversation, issuing letters of expectations, initiating investigations or putting the faculty on an administrative leave to reduce harm to others, while the investigation was pending. In short, many leaders failed to hold their fellow tenured faculty members accountable to the norms of a professional and modern work-place. Our office worked with unit leaders, faculty, staff and other University offices to implement strategies to raise awareness around misconduct, communicate expectations and to hold faculty engaged in this unprofessional behavior accountable. We also provided resources and support to employees negatively impacted by the misconduct.

3. In FY22, the remote and hybrid work environment continued to result in many employees using email or instant messaging to communicate conflict, address issues of discrimination or misconduct (instead of contemporaneous communication modes such as Zoom, phone, or in-person communication). Paired with the on-going stresses caused by the pandemic, and employees being physically and emotionally isolated from each other, work-place managers and supervisors struggled to address or resolve conflict between employees that escalated quickly because of this inappropriate or over-use of asynchronous communication. We provided informal assistance to employees, at all levels, to identify applicable University policies, and best management and HR practices, including ways to address the behavior.





## Training & Outreach

In addition to offering informal and formal assistance, OCR provides training and outreach to University units and departments, on practical workplace conflict resolution skills for employees wishing to raise concerns in a productive manner. The training also highlights that conflict is not inherently negative, but rather an inevitable result of complex human relationships in a dynamic, fast-paced and innovative work environment. All training also informs units on the OCR services available to them, examples of common issues addressed, and how OCR can assist each workgroup. In FY22 training related to conflict resolution skills was delivered at least 5 times across the University system, Extension and affiliated institutions which resulted in 192 employees trained in basic Conflict Resolution skills. It was temporarily suspended for part of FY22 while the Director was on maternity leave, because there were no resources to deliver it in her absence.

In FY22 OCR offered one main educational program:

- Conflict Resolution 101 (f/k/a Conflict Competency) emphasizes that conflicts between people are inevitable. Conflict also offers opportunities for improvement. However, conflict is frequently unwelcome because it is often mismanaged or folks do not have the skills on how to raise issues in a constructive manner. In this training, participants are given practical assistance in raising concerns in a constructive manner and managing difficult situations more effectively.

The training is also customized to address common issues that the unit is experiencing.

**A total of 5 Conflict Competency Workshops were delivered in FY22 with an attendance of 192 participants.**

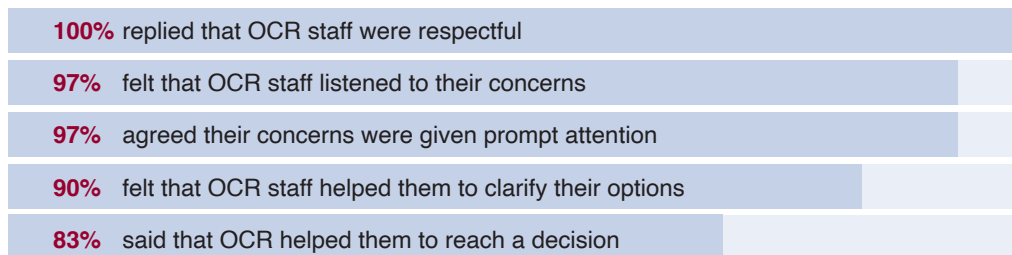
- 1 Conflict Competency Workshops delivered in-person
- 4 Conflict Competency Workshops delivered virtually



## Survey & Annual Report

To evaluate visitor satisfaction, an email survey was sent to petitioners and respondents and those who consulted with the office in FY22. The survey gathered anonymous responses, which are available to the Advisory Committee and forwarded in the annual report on the activity of the office to the Vice President for Equity & Diversity. Overall, feedback received during FY22 reflects that visitors felt safe and comfortable addressing their concerns with OCR. They also stated that their concerns were given prompt attention and options clearly explained and they felt better equipped to manage similar future workplace challenges or concerns.

## FY22 Visitor Feedback





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