

Office for Conflict Resolution

Fiscal Year 2021 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 and mining research stations.

Significant Increased Demand for OCR Services and Continued Adaptation to a Global Pandemic and Social Unrest

FY21 was a unique and challenging year of significantly higher demand for OCR services given; the continuation of the COVID-19 global pandemic (pre-vaccine), the continued social isolation caused by fully-remote work, the racial, social awakening and protests, looting and mass property destruction sparked by the May 2020, Minneapolis police murder of George Floyd; and the divisive presidential political campaign of the Spring and Summer of 2021. Given the intense pressures caused by all of these factors, many employees at all levels demanded more OCR services to address and resolve conflict in the workplace.

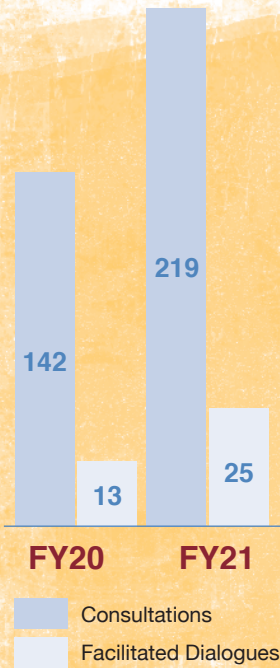
By listening to employment concerns and offering a range of processes to respond to challenges, the OCR promotes a University culture of engagement and achievement.

219*

CONSULTATIONS
TO INDIVIDUALS

25

FACILITATED DIALOGUES
& MEDIATIONS



Specifically, demand for OCR informal assistance individual consultations rose 50% (from FY20), and demand for facilitated dialogues or mediations doubled, rising 100% (from FY20.) Despite these pressures, OCR continued to deliver all of its informal and formal conflict resolution services, trainings and outreach, remotely across the University of Minnesota 5 campus system, and Extension, in a timely and highly competent manner. This also included, for the first time in OCR history, holding numerous remote multi-party mediations and remote hearings.

At the very beginning of FY21 (July 2020) Director Tamar Gronvall finished up her temporary 3 month COVID-19 global pandemic assignment for the Governor’s State Emergency Operations Center (SEOC) and Minnesota Management & Budget (MMB) and returned to OCR at the beginning of August 2020. Interim Director Eric Schnell filled-in for most of the Director duties from May through July 2020. As with other University offices, the pandemic and social unrest in the Twin Cities community also impacted OCR staff availability, given daycare closures because of virus outbreaks, and demands on the families of first responders who worked additional hours and duties with very little notice and no ability to plan.

Informal Assistance

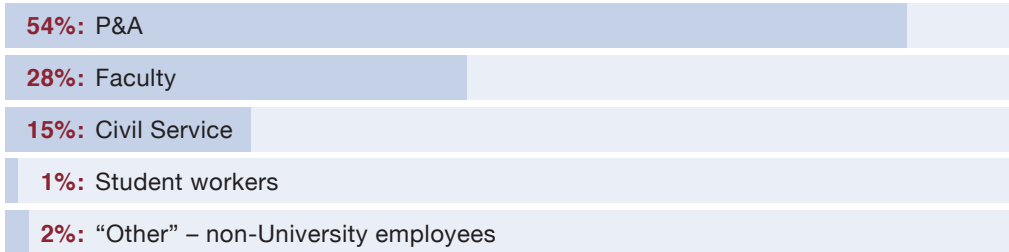
Informal conflict resolution matters are the largest part of the office workload. Before the global pandemic, consultations were typically face-to-face meetings about workplace concerns or problems. Given the mandatory fully-remote work in FY21, these consultations were held virtually, through Zoom. 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 FY21. 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 219 individual consultations (50% increase over FY20) many of them entailed several follow-up consultations to assist in reaching a final resolution. Informal assistance consultations included 25 facilitated dialogues (100% increase over FY20).



Circle Process added to OCR Informal Assistance Services

In late FY20, the OCR Director completed a 3 day training for a conflict resolution methodology named Circle Process that focuses on improving unit culture by engaging in larger group facilitated dialogues using deep listening and discussion of shared values in the workplace. In FY21 OCR received numerous requests to co-host the circle process, in collaboration with another University employee from an academic unit, the Director prepared for and co-hosted 2 circle processes (multiple gatherings/steps) for two different units.

Employee work groups that used OCR’s Services



NOTE: “Other” refers to non-University employees who were involved in the OCR process. For example, employees at collaborating institutions such as M Health Fairview or union faculty leadership may contact OCR to receive additional information about OCR services in order to refer eligible employees that they work with or supervise.

These work groups include employees from all other UMN system campuses, as well as affiliated institutions, such as: the Hormel Institute, the Bell Museum and the Minnesota Landscape Arboretum.

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 FY21 there were no arbitration hearings, nor were there any in FY20.

During FY21, the OCR had 5 petitions carry over from FY20 and received 0 new petitions in FY21 (a decrease of new petitions from FY20), for a total of 5 active petitions. Of the petitions that carried over and were processed in FY21, 3 were P&A employees and 2 were Civil Service employees. Of these 5 petitions; 2 were dismissed (on jurisdictional grounds), 2 were heard by a panel of peers, and 1 was settled before proceeding to a panel hearing.

No cases proceeded from the Provost’s final decision to the Minnesota Court of Appeals, though one proceeded toward binding arbitration, but the appeal was withdrawn before an arbitrator was formally assigned. The two petitions that proceeded to hearings were also held in a fully remote hearing setting.

5

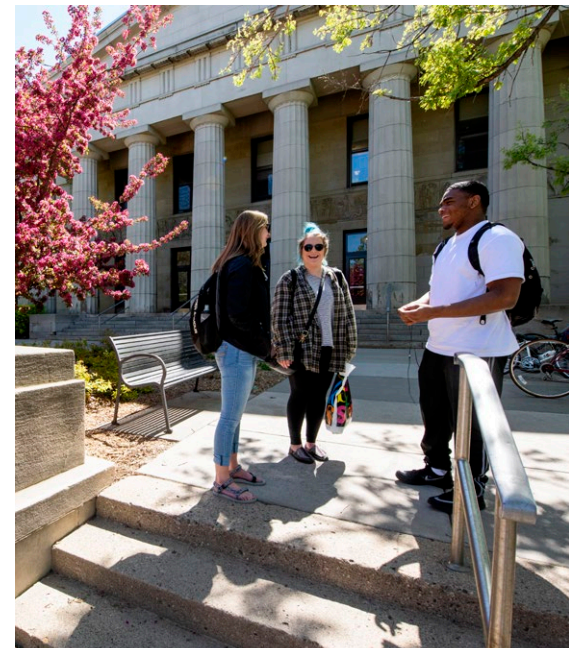
PETITIONS CARRIED OVER FROM FY20

0

PETITIONS FILED IN FY21

2

OCR PEER HEARINGS CONDUCTED IN FY21



FY21:

8

CONFLICT 101
WORKSHOPS DELIVERED

5

SUCCESS SIGNALS
WORKSHOPS DELIVERED

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 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 FY21:

- One petition involved a P&A faculty member, contesting their termination for violation of the University’s sexual harassment policy. This petitioner was represented by counsel throughout the process, thus the respondent was also represented by the University’s Office of General Counsel (OGC). The hearing panel issued a 2-1 vote recommendation, upholding the termination, with one member dissenting with regard to the severity of discipline issued. The Executive Vice President and Provost (Provost) upheld the majority’s recommendation finding that it was well-reasoned and supported

by the evidentiary record. The petitioner then initiated the binding arbitration process to appeal the Provost’s decision, but ultimately withdrew it before an arbitrator was selected, thus leaving intact the Provost’s final decision upholding the termination.

- The other petition involved a Civil Service employee who was terminated for failing to pass their 6 month probation, and alleged the termination was due to discrimination as prohibited under the Civil Service rules. The panel recommended upholding the termination decision, finding it was not based on discrimination, but rather work performance. The Provost also upheld the panel’s decision finding that it was supported by the record of evidence.

OCR adapted to the demands of the fully-remote environment and worked closely with

the parties, their advisors, the hearing officer and panelists to provide a fully-remote hearing process that ensured due-process and fair hearing rights to all parties. For example, both hearings involved hundreds of pages of exhibits and several witnesses who testified on behalf of the parties. Although successful, the fully remote hearing environment presented several challenges to which OCR swiftly adapted and initiated solutions.

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).

There were two petitions that were dismissed after contested jurisdictional challenges.

- One of the petitions was dismissed for lack of jurisdiction because the petitioner, a P&A employee who was non-renewed, sought non-financial remedies which were not within OCR's jurisdiction, including among other things, a request that the unit be compelled to withdraw from a contract regarding a book publication.
- The other petition, by a Civil Service employee, was dismissed after lengthy OCR facilitated settlement negotiations resulted in the respondent offering the petitioner all the remedies they requested in their first petition, including reinstatement and back-pay. But the petitioner refused to sign the settlement agreement because they also sought remedies outside OCR's jurisdiction.

In both cases, the Provost provided both petitioners the opportunity to object to the jurisdictional dismissals, which they both did. After considering the objections, the Provost upheld OCR's determinations in both cases. Although not related to the outcomes on the findings of jurisdiction, the completely virtual settlement process, mandated by the remote work policy, may have negatively impacted settlement negotiations with one of the petitions because the parties did not have the usual opportunity to hold settlement discussions in-person (but only virtually).

In FY21, OCR received 0 new petitions.





Issues and Trends in OCR's Services

In FY21 some themes emerged in delivering both the informal and formal assistance to University employees.

1. In FY21, COVID-19 pandemic mandated remote work, the police killing of George Floyd, and the subsequent community social unrest, exacerbated pre-existing conflict, feelings of disparate treatment of employees of marginalized identities, and exposed a greater need for mental health resources. The remote work environment and continued pandemic lockdown was very challenging for many employees who were also required to teach school-age children at home, provide care-giving to family members sickened by the pandemic, and also complete their University work tasks. We provided informal assistance to employees at all levels to strategize methods of support to complete the work, address issues of disparate treatment and referral to resources for mental health support.
2. In FY21, the remote work environment resulted in many employees, particularly leaders, managers and supervisors taking on additional responsibilities and adapting to new or increased demands on their work and duties, while other employees worked significantly less. This additional workload paired with University pandemic furloughs imposed on many employees, created issues of fairness, resentment and low morale among employees. In addition, the broad yet vague parameters of the University's Work with Flexibility guidelines continued to challenge managers and supervisors to provide both accommodation, fairness and accountability to employees in this new work environment. In addition, in the remote 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. Given the lack of in-person interaction, or transparent ways to assess productivity, it was also more

difficult for managers and supervisors to address work performance issues with employees. 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.

- In FY21, the remote work environment also resulted in many employees using email or instant messaging to communicate conflict, address issues of discrimination or misconduct (instead of Zoom, phone, or in-person communication). Paired with the on-going stresses caused by the pandemic and social unrest (as outlined in themes 1 and 2 above), and the break-down of social norms, 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 work-group. In FY21 training related to conflict resolution skills was delivered at least 14 times across the University system, Extension and affiliated institutions.

In FY21 OCR offered two main educational programs:

- **Conflict Resolution 101 (f/k/a Conflict Competency)** emphasizes that conflict between people is 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.

9 CONFLICT COMPETENCY WORKSHOPS DELIVERED (virtually)

- **Success Signals®** focuses on understanding the intersection between conflict and communication. It is a highly interactive workshop that helps participants become more aware of their own style, identify the styles of others, and communicate better with others.

5 SUCCESS SIGNALS 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 FY21. 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 FY21 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.

FY21 Conflict Resolution Advisory Committee

Catherine French (Chair)

Professor, College of Science & Engineering

Sean Poppoff

Executive Director, Lion's Gift of Sight

Mary Belisle

HR Consultant, School of Public Health

Meagan Massie

Undergraduate Student

Michael LuBrant

Program Director/Assist. Professor Program of Mortuary Science

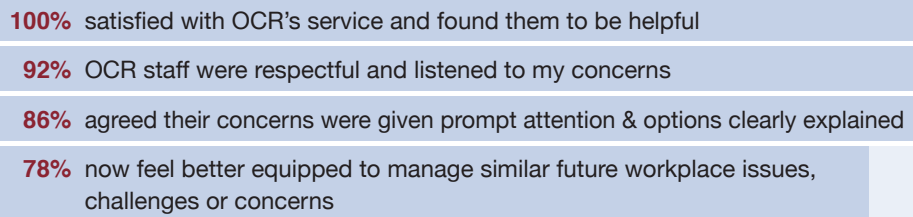
Etty DeVeaux

Chief of Staff, the Graduate School

Kate Stuckert

Senior Assistant to the President

FY21 Visitor Feedback



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