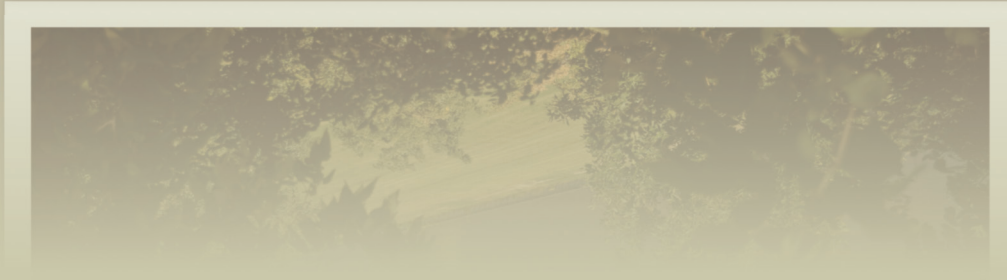


Annual Report

2011-12

Office for Conflict Resolution



UNIVERSITY
OF MINNESOTA



The Office for Conflict Resolution helps University faculty, staff, and student workers resolve workplace disputes—either through informal problem-solving initiatives or a peer hearing process. By listening to faculty, staff, and student employment concerns and offering a range of processes to respond to concerns, the office promotes a University culture of engagement and achievement.

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, including a summary of issues raised, decisions rendered in the hearing process, and the instances in which the Senior Vice President for Academic Affairs 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, 2011, through June 30, 2012 (FY12).

SUMMARY DATA ON CONFLICT RESOLUTION PROCESSING IN 2011-2012

Consultations and Informal Assistance

Informal conflict resolution matters continue to be the largest part of the workload of the office. Consultations are face-to-face meetings (or telephone conferences, particularly with employees on 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 FY12. In some cases, a matter involved several meetings over many months. Telephone inquiries and referral calls are not counted in the total number of consultations.

In FY12, office staff had 96 consultation matters, compared to 117 in FY11. Of these 96 matters, 32.5% were with faculty; 27% were with P&A employees; 32.5% were with Civil Service employees; and 8% were with graduate and

undergraduate student workers. Eleven of the 95 consultation matters resulted in the employee filing a petition.

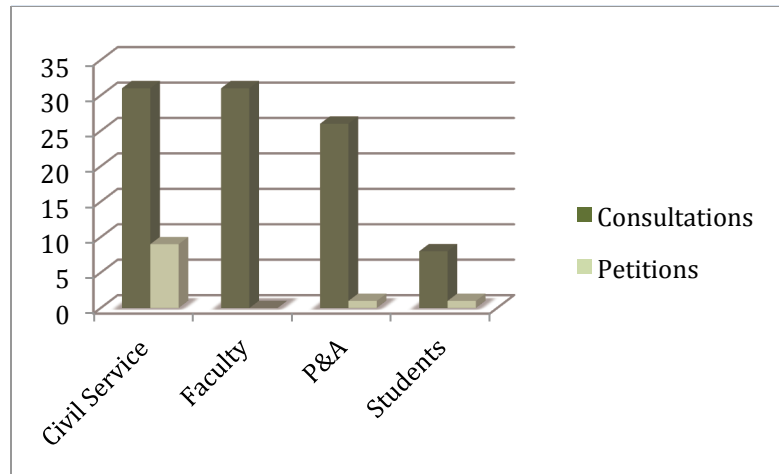
Petitions

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 Senior Vice President for Academic Affairs, who makes the final University decision.

During FY12, there were 14 open petitions—11 new ones and three from FY11 that were continued for processing. Of the 11 new petitions, nine were by Civil Service staff, one by P&A staff, and one by an undergraduate student. There were no petitions filed by faculty in FY12.

Of the 14 open petitions processed in FY12, nine settled or were withdrawn without a hearing, one was

closed after a decision by a peer hearing panel, and four were carried forward for processing in FY13.



Jurisdictional Challenges and Advisory Determinations

Informal consultation is available to non-bargaining unit faculty and staff without jurisdictional thresholds. There are [jurisdictional requirements](#) 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 Senior Vice President for Academic Affairs.

In FY12, one advisory determination was issued. The Director decided that a former employee who was challenging termination of employment satisfied jurisdictional requirements for continuing in the peer hearing process. No one requested review of this decision.

Peer Hearings And Decisions of the Senior Vice President for Academic Affairs

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 Academic Administration, University of Minnesota System. 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 Senior Vice President for Academic Affairs, who makes the final University decision on the matter.

In FY12, one peer hearing was conducted, compared to none in FY11. A P&A employee filed a complaint alleging that the reassignment of his teaching and governance responsibilities was retaliatory and a denial of academic freedom. The peer panel concluded that there was no retaliation or violation of University policy, but that there was an abuse of discretion. The Senior Vice President for

Academic Affairs agreed that there was no policy violation but declined to accept the recommendation about an abuse of discretion. She referred the other recommendations of the panel to campus administration for its consideration.

Arbitration Hearings

If a petitioner receives an unfavorable decision from either a peer hearing panel or from the Senior Vice President for Academic Affairs, the petitioner may elect to proceed to binding arbitration. To proceed to arbitration, the petitioner waives rights to pursue the claim in another forum.

During FY12, there were no arbitration hearings.

Coordinate Campuses

The Conflict Resolution Policy applies to all campuses. In FY12, there were six consultation matters and one petition involving faculty or staff on the coordinate campuses and at outreach centers.

Issues and Trends

It is difficult to provide an accurate general picture of the issues raised in FY12, since several issues may fuel an individual complaint. Nonetheless, some observations emerge. One that cuts across all employee categories concerns disrespectful working behaviors. The policy most often cited in informal consultations was Board of Regents policy: *Code of Conduct*.

For regular faculty, concerns regarding promotion, tenure, and academic freedom go to the Senate Judicial Committee. Most other issues come

to the Office for Conflict Resolution. This year, the most common issues raised by faculty were disagreements over performance reviews and merit raises, expectations for increased teaching and research productivity, authorship disputes, and non-renewal of administrative appointments. Inconsistent processes for approving single-semester leaves and sabbatical supplements continue to be issues. Regular faculty in the Medical School expressed concerns about departmental use of foundation funds, lack of transparency regarding clinical compensation, preemptory reductions in lab space, and failure to provide benefits offered in initial appointment letters.

For Civil Service employees, concerns were raised about the substance and process of position reclassifications. Process concerns included delays, failure to meet deadlines and vague timelines/processes for appealing reclassification decisions. Substantive concerns included reclassifying University employees as Fairview employees and opaque administration of layoff and bumping rules. Complaints regarding termination of employment, both during the probationary period and subsequently for cause, were raised.

P&A employees are largely on annually renewable contracts and are cautious about raising concerns. P&A issues included heavy workloads, reduction in hours, non-renewal, early termination, and results of job family classification projects.

Issues arose regarding Human Resources. A frequently cited concern was difficulty getting consistent answers to questions across departments, units, and Central HR.

| Issues Raised Most Frequently | Petitions | Consultations |
|---------------------------------|-----------|---------------|
| Disrespectful work environment | 0 | 12 |
| Poor supervision | 0 | 12 |
| Termination of employment | 2 | 9 |
| Compensation | 3 | 9 |
| Difficult working relationships | 0 | 8 |
| Policies Cited Most Frequently | Petitions | Consultations |
| Code of Conduct | 0 | 32 |
| Civil Service Rules | 9 | 17 |
| Tenure Code | 2 | 5 |
| Employment contract | 0 | 5 |
| P&A policies | 0 | 4 |

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

Educational and Culture Change Initiatives

Academic Civility Work Group

OCR staff continued its participation on the Academic Civility Work Group. Working closely with the Student Conflict Resolution Center, several interested faculty, and graduate students, and following on the Graduate and Professional Education Assembly's (GPES) identification of training for advisers as its top priority, in FY12 the work group focused on best practices for advising. A new website, [Working Better Together](#), was developed by the work group. The advising tools that the work group developed have been posted on the site. The mission of the website is "to promote positive and successful working collaborations among students, staff and faculty." The director co-presented at several workshops for faculty and graduate students on best practices for advising.

Collaborative Research Teams

In August 2011, the Innovation Fellows Program of the Medical Devices Center, College of Science

and Engineering, requested OCR's help facilitating bi-weekly discussions with the fellows during their year in residence at the University. Throughout FY12, the OCR Director and the Director of the Student Conflict Resolution Center met regularly with the fellows to support successful working relationships.

Sabbaticals and Single-Semester Leaves

The Director initiated a small work group to address reports from faculty about deficiencies in the processes used to evaluate sabbatical supplements and single-semester leaves for faculty. In FY12, the Faculty Consultative Committee and the Senate Committee on Faculty Affairs considered proposed guidelines. In August 2012, the FCC adopted sabbatical supplement guidelines, asked the Provost to communicate these to the Deans, and asked SCFA to recommend guidelines for single-semester leaves.

Retaliation

The Office of Institutional Compliance convened a workgroup to develop a University-wide policy

prohibiting retaliation for good faith complaints. In addition to drafting language, the group discussed steps to create an open culture encouraging faculty, staff, and students to bring concerns forward. The work of this group continues into 2012-13.

Outreach

Both the director and the assistant director spoke to many campus groups about the services of the office, systemic workplace issues, and the need to help University faculty and staff know about the office. They also conducted many workshops on such topics as advising best practices, negotiation skills and facilitating difficult discussions.

The Director co-taught a seminar on Alternative Dispute Resolution at the University of Minnesota Law School.

Advisory Committee and Annual Survey

An Advisory Committee oversees the work of the office. It addresses policy concerns and reports on the work of the office to the Senior Vice President for Academic Administration, University of Minnesota System. Pat Bruch, Associate Professor, Writing Studies, served as Chair of the Conflict Resolution Advisory Committee in FY 12.

A survey to petitioners and those who consulted with this office was again sent by email in FY12. The emails solicited anonymous responses.

Survey results are reviewed by the Advisory Committee and are forwarded with an annual report on the performance of the office to the Senior Vice President.

Participants express appreciation for the availability of the office's services and satisfaction with the quality of the services.



Staffing

Carolyn Chalmers, Director; Mari Magler, part-time Assistant Director (also Associate Director, Disability Services); and Jean Henrichsen, Program Coordinator, staffed the Office for Conflict Resolution in FY12. Mary Tate, Director, Office of Minority Affairs and Diversity, Medical School, served as Consultant and Academic Health Center Liaison.

Office for Conflict Resolution
662 Heller Hall
271 – 19th Avenue South
Minneapolis, MN 55455
612-624-1030
612-625-0889 (fax)
ocr@umn.edu
www1.umn.edu/ocr/

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