

Annual Report

2012-13

Office for Conflict Resolution



UNIVERSITY
OF MINNESOTA



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 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, 2012, through June 30, 2013 (FY13).



The Office for Conflict Resolution is a resource for University faculty, staff, and student workers to help them 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.

SUMMARY DATA ON CONFLICT RESOLUTION PROCESSING IN 2012-2013

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 other 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 FY13. 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 FY13, office staff had 136 consultation matters, compared to 96 in FY12. Of these 136 matters, 33% were with faculty; 32%, P&A; 25%,

Civil Service; 6%, graduate and undergraduate student workers; and 4% were with retirees or people in other employment categories. Fifteen of the 136 consultation matters resulted in the employee filing a petition.

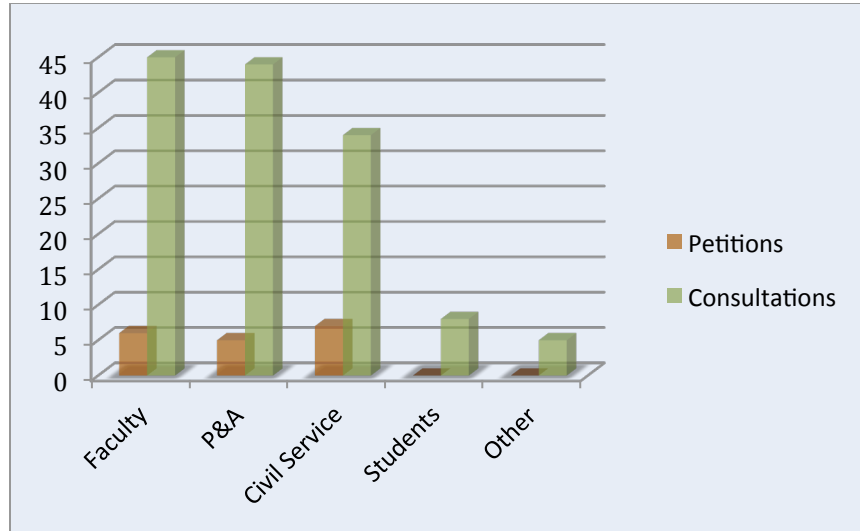
Petitions

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 and Provost, who makes the final University decision.

During FY13, there were 22 open petitions—18 newly filed ones and four from FY12 that were continued for processing in FY13. Of the 18 new

petitions, seven were by Civil Service staff, six by faculty, and five by P&A staff. There were no petitions filed by students this year.

Of the 22 open petitions processed in FY13, 13 settled or were withdrawn without a hearing and nine were carried forward for processing in FY14.



Jurisdictional Challenges and Advisory Determinations

Informal consultations are available to non-bargaining unit faculty and staff without jurisdictional thresholds. There are, however, 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 and Provost.

In FY13, no advisory jurisdictional determinations were issued.

Peer Hearings And Decisions of the Senior 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, and 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 Senior Vice President for Academic Affairs and Provost, who makes the final University decision on the matter.

In FY13, there were no peer hearings, compared to one held in FY12.

Arbitration Hearings

If a petitioner receives an unfavorable decision from either a peer hearing panel or from the Senior Vice President for Academic Affairs 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.

During FY13, there were no arbitration hearings, nor were there any in FY12.

System Campuses

The Conflict Resolution Policy applies to all campuses. In FY13, there were 13 consultation matters and four petitions involving faculty, P&A, and Civil Service staff on system campuses and at outreach centers.

The Director visited the Morris campus and presented information to faculty and staff about the services of the office. OCR donated several copies of *Choosing Civility: The Twenty-five Rules of Considerate Conduct*, by P.M. Forni, for employment groups at Morris to use in discussing civility at monthly meetings.

Issues and Trends

It is difficult to provide an accurate general picture of the issues raised in FY13, since several issues may fuel an individual complaint. Nonetheless, some observations emerge. One that continues to cut 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, issues regarding governance, and work environments at the local level. Faculty in the Medical School expressed concerns about administrative decision-making regarding financial support and compensation.

For Civil Service employees, concerns were raised about termination of employment. When terminations resulted from layoffs due to restructuring, concerns regarding implementation of bumping rights and inconsistent information about layoff benefits were expressed. Concerns about work environments at the local level were also recurring matters.

Most P&A employees are on annually renewable contracts and are cautious about raising concerns. P&A issues included non-renewal, early termination, dissatisfaction with the results of the job family classification studies, and receiving incorrect information regarding vacation payout.

Issues Raised Most Frequently	Consultations	Petitions
Disrespectful work environment	22	0
Termination of employment	20	7
Difficult working relationships	16	0
Poor supervision	9	0
Compensation	9	3

Policies Cited Most Frequently	Consultations	Petitions
Code of Conduct	41	0
Civil Service Rules	18	7
Faculty tenure policy	8	0
P&A policies	8	1
Employment contract	4	4

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

Reporting Structure

In January 2013, the Office began reporting to the Vice President for Equity and Diversity. Prior to 2013, the Office reported to the Senior Vice President for System Academic Administration. The Office of the Senior Vice President closed when the Senior Vice President left the University of Minnesota. The transition to a new reporting structure was smooth and the new working relationships support the work of the Office.

Recognizing Twenty Years of Conflict

Resolution Services

The Office for Conflict Resolution celebrated its twentieth anniversary in 2013. In the spring and summer, a program was planned for the fall to recognize twenty years of conflict resolution services for non-bargaining unit employees at the University of Minnesota. On November 15, about one hundred faculty and staff attended a panel program on creating thriving departmental cultures.

Educational and Culture Change Initiatives

Academic Civility Work Group

OCR staff continued active participation on the Academic Civility Work Group. Working closely

with the Student Conflict Resolution Center, several interested faculty, and graduate students, in FY13 the work group focused on keeping the new website, Working Better Together, updated with resources and new content. Efforts to improve graduate advising were an ongoing focus.

Addressing 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 continued into FY13.

Outreach

The website for the office was redesigned in the spring and summer of 2013, going live in August 2013.

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 several workshops on such topics as advising best practices, negotiation skills, and facilitating difficult discussions.

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 Vice President for Equity and Diversity, Katrice Albert. Rod Squires, Associate Professor, Geography, Environment, and Society, served as Chair of the Conflict Resolution Advisory Committee in FY13.

A survey to petitioners and those who consulted with this office was again sent by email in FY13. 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 Vice President for Equity and Diversity

Participants expressed 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 FY13. 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

© 2014 Regents of the University of Minnesota. All rights reserved.

The University of Minnesota shall provide equal access to and opportunity in its programs, facilities, and employment without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression.