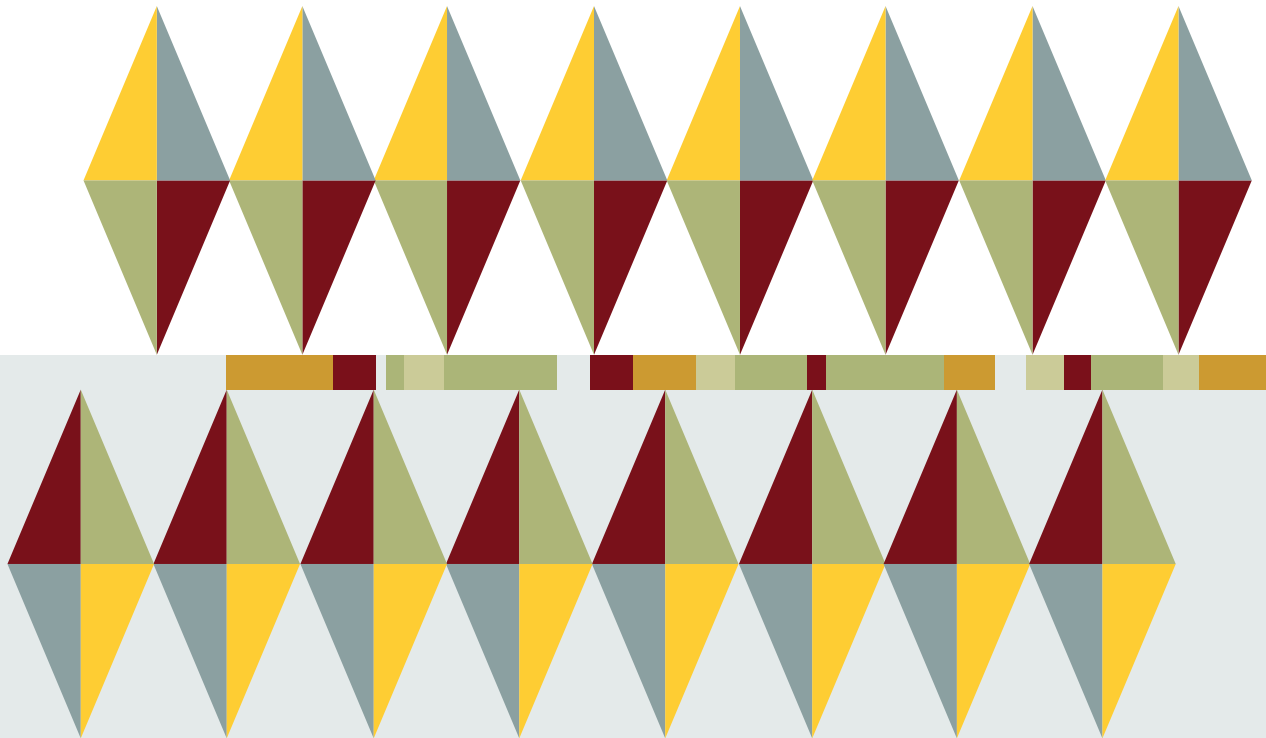# Office for Conflict Resolution

Annual Report 2015-16

Office for
Conflict Resolution
UNIVERSITY OF MINNESOTA

The Office for Conflict Resolution is a resource for non-bargaining unit University faculty, staff, and student employees 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. The OCR is a neutral 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 involving the serious risk of self-harm, harm to others or compliance with a court order.

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 Executive 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, 2015, through June 30, 2016 (FY16).

SUMMARY DATA ON CONFLICT RESOLUTION PROCESSING IN 2016–2017

Consultations and Informal Assistance

Informal conflict resolution matters are the largest part of the office workload. Consultations are face-to-face meetings (or sometimes video or telephone conferences, particularly with employees on 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 FY16. Some consultations resulted in several meetings conducted over many months. Telephone inquiries and referral calls are not counted in the total number of consultations.

In FY16, office staff conducted 186 consultations, compared to 152 in FY15. Of these 186 matters, 65 were with faculty members; 65 with Professional & Administrative ("P&A") employees; 34 with Civil Service employees; 17 with graduate and undergraduate student workers; and five were with retirees or people in other employment categories. 10 of the 186

consultation matters resulted in the employee filing a petition.

186 CONSULTATIONS IN FY16

Student Workers, 1					
P&A, 3					
Civil Service, 5					
Faculty, 9					

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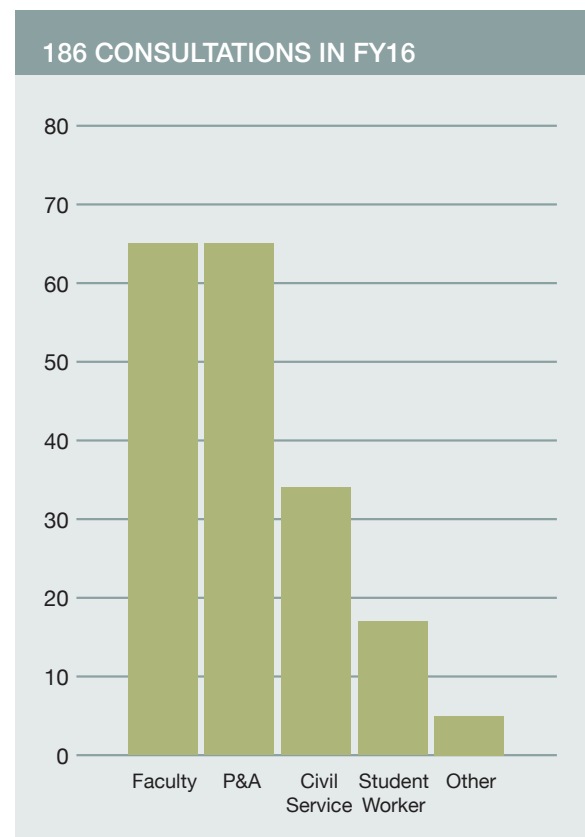
Petitions

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 and Provost, who makes the final University decision.

During FY16, there were 18 open petitions—10 newly filed ones and eight from FY15 that were continued for processing in FY16. Of the 10 new petitions, four were filed by faculty, three by Civil Service staff, two by P&A staff and one by a student employee.

Of the 18 open petitions processed in FY16, nine settled or were withdrawn without a hearing, four resulted in peer hearings, two were dismissed on jurisdictional grounds and three were carried forward for processing in FY17. The four

cases resulting in peer hearings were actually heard and decided by panels in FY15, with the Executive Vice President and Provost's final decision carrying over to FY16. Those decisions are described in the FY15 annual report.

Jurisdictional Challenges and Advisory Determinations

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 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 Executive Vice President and Provost.

In FY16, the Director issued one advisory jurisdictional determination. In that case, a P&A employee filed a petition alleging that the non-renewal of his appointment violated several University policies. The respondent challenged the timeliness of the filing of the petition generally, and argued that certain actions being challenged had occurred more than six weeks before the filing of the petition and therefore were not subject to review. The petitioner submitted a statement opposing the challenge.

Following review of the evidence submitted, the Director determined that petitioner's claims were not time-barred. The matter had been submitted to the OCR within six weeks of the non-renewal at issue, and the petition was filed within two months of the date of submission in accordance with the time limits specified in the Conflict Resolution Policy. The Director further

determined that, while any request for a remedy connected with events occurring more than six weeks prior to the petitioner's non-renewal would be time-barred, evidence of a sequence of actions that combined to demonstrate a pattern of harassment or discrimination would be allowed subject to the Hearing Officer's discretion to determine its relevance. Neither party appealed the jurisdictional ruling.

The Conflict Resolution Policy also provides that if a party fails to participate in the formal process in a timely way, the Director will refer the case to a hearing officer who will decide whether a party has unreasonably delayed the process and if so, what the result should be. In one case in FY16, the petitioner cancelled a scheduled facilitated dialogue on three different occasions, each time within 24 hours of the agreed upon date. After the third cancellation, the Director referred the case to a hearing officer in accordance with the policy. The hearing officer requested that the petitioner submit information within a specified

time frame regarding the reason for the most recent cancellation. The petitioner did not respond or provide any information within the time frame requested. As a result, the hearing officer determined that the petitioner had not participated in the process in a timely fashion and dismissed the petition. Neither party appealed the decision of the hearing officer.

Peer Hearings And Decisions of the Executive 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 appointed by the OCR 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 Executive Vice President and Provost, who makes the final University decision on the matter.

In FY16, there were no peer hearings conducted. This is compared to three held in FY15, covering five petitioners.

Arbitration Hearings

If a petitioner is dissatisfied with the final University decision of the Executive Vice President and Provost, the petitioner may elect to proceed to arbitration. Alternatively, the petitioner may have the right to appeal the decision to the Minnesota Court of Appeals by a writ of certiorari. By electing to proceed to arbitration, the petitioner waives the right to pursue the claim in any other forum, and agrees to accept the decision of an independent arbitrator selected by the parties as the final adjudication of the matter.

During FY16, there were no arbitration hearings; there was one in FY15.

System Campuses

The Conflict Resolution Policy applies to all campuses. In FY16, there were 11 consultations and 1 petition filed involving faculty, P&A, and Civil Service staff on system campuses. The OCR Director visited the Morris campus twice in FY16, offering confidential consultations and presenting an educational workshop on each occasion. The OCR Director and Program Administrator visited the Duluth campus once in FY16 to conduct a facilitated dialogue which resulted in the settlement of an underlying petition.

Issues and Trends

In FY16, the behaviors most commonly presented as concerns by visitors to the OCR were consistent across all employee categories - faculty, staff and students. These concerns include poor communication from leaders, an inability or unwillingness to hear and respond to employee concerns and perspectives, behaviors that were intimidating, insulting or shaming in both private and public settings, disrespectful email communication, inconsistent application of rules and policies and the unavailability of training and support for supervisors around these issues. The policy most often cited in informal consultations was Board of Regents policy: *Code of Conduct.*

Employees in all classes also express significant reluctance to raise issues due to fear of retaliation. While the Board of Regents Policy: *Conflict Resolution Process for Employees* provides that retaliation against any person for using the conflict resolution process is prohibited, employees nonetheless describe significant concern that adverse consequences in various shapes and forms will result if their supervisors or administrative leaders learn they have requested services from OCR.

For tenured and tenure-track faculty specifically, concerns regarding promotion, tenure, and academic freedom go to the Senate Judicial Committee. Most other issues can be brought to the Office for Conflict Resolution. This year, the most common concerns raised by faculty involved failure of administrative leaders to respond to concerns orally or in writing, failure of administrative leaders to be willing and or/ available to hear and address concerns, failure to take action in response to concerns raised, salary equity issues and poor work environments.

Civil Service employees raised concerns about violation of Civil Service Rules regarding discipline and/or termination of employment and benefits, difficult working relationships, performance issues, conflicts with colleagues and poor supervision.

P&A issues included non-renewal (specifically, beings surprised by non-renewal where no performance concerns had previously been addressed, or non-renewals that were perceived to violate other University policies), retaliation, ethical concerns, poor communication and working relationships, violation of P&A contracts and concerns regarding salary equity.

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

Educational Initiatives and Programming

In FY16, the OCR broadened its educational programming efforts. A module focused on conflict competency was developed and delivered 15 times in multiple departments and units across the University. Conflict competency emphasizes that conflict is an inevitable product of complex human relationships, and discourages the common but ineffective desire to ignore or avoid difficult issues. Instead, those who practice perspective taking, reflective thought and delayed response when managing conflict proactively experience better outcomes. Together with demonstrations of empathy, the recognition and expression of emotions, and use of assertive, non-reactive statements, the practice of effective conflict resolution can advance the performance of individuals, teams and groups while improving culture and climate. This programming provides practical assistance to employees wishing to raise concerns in a constructive manner and to leaders wishing to increase their effectiveness in managing difficult situations. Additionally, the programming addresses the role of active bystanders – those colleagues who identify and object to inappropriate conduct or treatment of others but remain unsure of whether and how to respond. Departments and units willing to invest in a proactive approach to these issues help to establish and promote an environment in which all can be welcome.

The OCR also offered a workshop to groups across campus called Success Signals©. Studies show that over two-thirds of all conflicts are rooted in differences in communication styles – the "how" something is communicated, rather than the "what." Success Signals is a highly interactive workshop that enables participants to become more aware of the strengths and weaknesses of their own innate style preferences, and to identify the style preferences of others. With the resulting knowledge, individuals can better adopt practices that enable effective communication and reduce the incidence of conflict. Success Signals was presented nine times in FY16.

2016 EDUCATIONAL PROGRAMMING

Success Signals 38%

Conflict Competency 62%
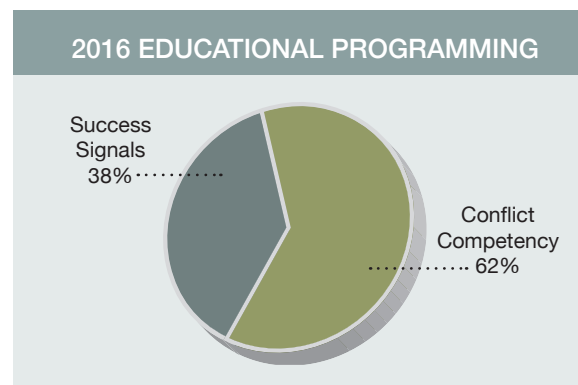
Workshops were presented in multiple academic departments and units, including programs sponsored specifically by the Office for Equity and Diversity, the Office of Graduate Medical Education, the Office of Human Resources, the Office of the Vice Provost for Faculty and Academic Affairs, the Academic Health Center, the Center for Sustainable Nanotechnology, the College of Food, Agricultural and Natural Resource Sciences, and the Clinical and Translational Science Institute.

Outreach and Engagement

The OCR continues an active role in the Academic Civility Work Group, a group convened by the Student Conflict Resolution Center. The group maintains the Working Better Together ("WBT") website, http://wbt.umn.edu. The WBT website provides resources for University employees on a variety of topics, and highlights articles of interest to the entire University community. In addition to the Student Conflict Resolution Center, program partners include the Center for Educational Innovation, the Council of Graduate Students, Boynton Health, and the offices of Graduate Medical Education and Minority Affairs and Diversity, Medical School.

Additionally, OCR Director Julie Showers served as a mentor in the LEAD (Leadership, Engagement and Development) Program offered by the Office for Equity and Diversity in FY16. The LEAD program seeks to develop and increase the leadership capacity of University students, staff, faculty and alumni. The yearlong program develops leadership through mentoring, personal assessment and reflection, educational programming, targeted skill-building through group work, and community building. The LEAD Program frames leadership development around understanding ourselves, our communities, and our work in the larger context of equity and diversity.

Outside the University, Director Showers presented a workshop highlighting a new educational programming model with Jan Morse, Director of the Student Conflict Resolution Center, at the annual conference of the International Ombudsman Association and was the featured speaker at a Women in Business Law event. She also continued her service on the Board of Trustees of Hamline University.

Partnership with the Office for Equity and Diversity and 2015–16 External Review

The Office for Conflict Resolution is one of eleven offices and major initiatives within the Office for Equity and Diversity ("OED") at the University. These offices partner in advancing a climate that is inclusive, respectful and collaborative. OCR Director Showers serves on the OED training team and works with the OED Director of Education and other colleagues in providing requested programming to various units and departments.

As part of a broad OED effort to support continuous improvement, the OCR completed a comprehensive external program review in FY16. The review team reviewed the enabling documents applicable to OCR, relevant University policies and a thorough self-study of OCR functional areas including annual reviews before conducting a campus visit. While on campus, reviewers met with multiple stakeholders in group and individual sessions over the course of two days. The review team subsequently submitted a final report which included observations relative to program system design and efficacy. Opportunities for improvement include, among other things, increasing the visibility of the office and community understanding of its mission and vision, evaluating the adequacy of current staffing and funding, and reviewing the scope and methodology associated with various OCR services. The report also identified systemic trends and broader University opportunities, including concerns raised by constituents regarding a lack of human resource and organizational development training available to the University community particularly with respect to bullying and inclusivity, potential conflicts of interest in human resource reporting

lines and needed expansion of EAP and psychological services for staff and faculty.

A complete copy of the external review report can be requested by emailing the OCR at ocr@umn.edu.
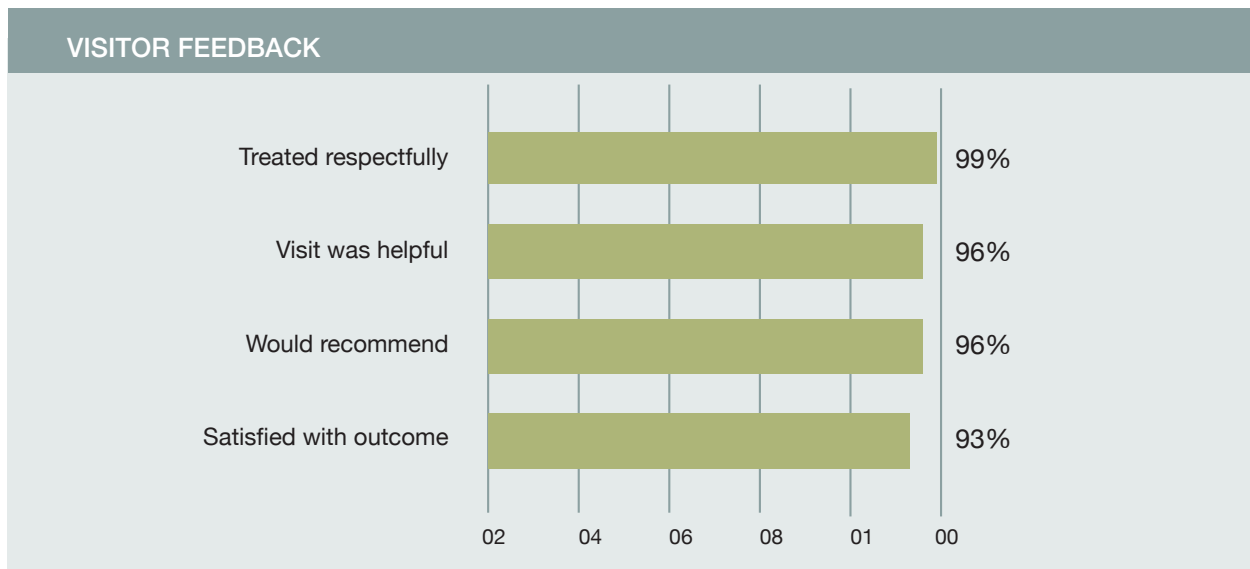
Advisory Committee and Annual Survey

An Advisory Committee oversees the work of the OCR. It addresses policy concerns and reports on the work of the office to Katrice Albert, Vice President for Equity and Diversity. Rod Squires, Associate Professor, Geography, Environment, and Society, served as Chair of the Conflict Resolution Advisory Committee in FY16.

In FY16, the Committee participated in the external review process described above and began preparing for an abbreviated five-year committee review which will build on the observations provided in the external review process.

An email survey to petitioners and those who consulted with this office was sent in FY16 to assist in evaluation of the work of the office. The emails solicited anonymous responses, which are reviewed by the Advisory Committee and forwarded with an annual report on the performance of the office to the Vice President for Equity and Diversity. Feedback received during FY16 reflects that visitors felt safe and comfortable addressing their concerns with the OCR, and appreciated assistance in identifying resources and options for moving forward. Skill building sessions were also perceived as particularly beneficial.

The OCR is uniquely positioned within the University to assist faculty, staff and student employees identify constructive responses to conflict in an undeniably complex, dynamic workplace. On an aggregate basis, the information gathered can identify systemic challenges and trends that can be better addressed to further goals related to campus climate and culture. The office welcomes any inquiries from members of the University community who would like to learn more about its work, and can be reached by email at ocr@umn.edu.

VISITOR FEEDBACK

Category	Value
Treated respectfully	99%
Visit was helpful	96%
Would recommend	96%
Satisfied with outcome	93%

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FY16 CONFLICT RESOLUTION ADVISORY COMMITTEE MEMBERS:

Roderick Squires - Chair, Associate Professor
Geography

Jill DeBoer, Director
AHC Office of Emergency Response

Carolyn Davidson, Business Analyst
Academic Support Resources

Ralph Fairchild, Medical Fellow
Vascular Surgery

Michael LuBrant, Program Director/
Assistant Professor
Program of Mortuary Science

Jon Steadland, Associate to the Deputy
Chief of Staff for Policy and Initiatives
Office of the President

Megan Sweet, Chief of Staff and Assistant to
the Vice Provost and Dean
Office for Student Affairs

STAFFING

Julie Showers is the Director of the OCR. She has served in this capacity since August 2014. Amanda Olson is the OCR Program Coordinator. Mary Tate, Director, Minority Affairs and Diversity, Medical School, is a consultant to the OCR and provides additional resources for University employees, particularly in cases that may present a conflict of interest for full time office staff. More information about the staff is available at www.ocr.umn.edu/about.

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