

University of Minnesota

Office for Conflict Resolution

**Annual Report
2005-2006**

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Mission and Key Functions of the Office for Conflict Resolution

The mission of the Office for Conflict Resolution is to help create an energized, actualized, and productive workplace culture for University administrators, faculty, and staff. The key functions of the office are to:

1. *Encourage dialogue.* The office encourages University employees to express concerns when conflicts emerge in the workplace, seek skilled help when needed, and engage in constructive dialogue with people directly involved.
2. *Recognize the commonality (and differences) of interests.* A key to conflict resolution is to reorient a dispute from focusing on the parties' "rights" or "positions" to their "interests." Interests are the parties' needs and desires that underlie their positions in a dispute.
3. *Find the best options.* When interests are made visible, participants in a conflict often can see new options to meet their needs. Identifying interests and evaluating options is usually accomplished in problem-solving sessions.
4. *Build accords.* Disagreements can be resolved through many techniques—domination, compromise, conciliation, or integration. Accords respect the integrity of the difference, while finding ways to mesh the commonalities and move forward.
5. *Conduct fair hearings.* When faculty and staff involved are unable to reach agreement, formal processes for third parties to decide disputes can bring needed closure. This program administers peer panel hearings and arbitrations in the model of prior grievance procedures.

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I. Introduction

This is the second year the office has functioned with its new policy, *Conflict Resolution Process for Employees*, and its new name as the Office for Conflict Resolution (previously Grievance Office). Both became effective in the spring of 2005. In academic year 2005-06, consultations with faculty and requests by administrators for help with troubled work groups significantly increased from prior years. The office was involved in matters that were more complex and more systemic than in prior years. Faculty and staff commented approvingly about the availability of informal conflict resolution services.

In 2005-2006, Carolyn Chalmers, Director, and Jean Henrichsen, Program Coordinator, staffed the Office for Conflict Resolution. Mary Tate, Director, Office of Minority Affairs and Diversity, Medical School, continued to serve as Deputy Director for the Office.

For more information about the office and its activities, we encourage you to visit our website at www.umn.edu/conflictresolution.

II. Conflict Resolution Processing in 2005-2006

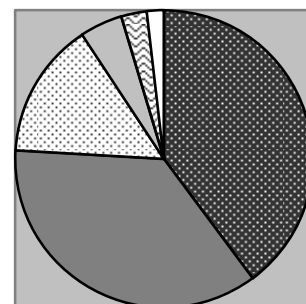
A. Consultations

As in past years, consultations with employees were a large part of the workload of the office. These are face-to-face meetings (or, for employees on coordinate campuses, in-depth telephone conferences) between an employee and the director about workplace concerns or problems.

In 2005-2006, the director had consultations with 108 employees who were seeking assistance with an employment concern. Some were group meetings and some of these employees or groups met with the director on several occasions over several months. In addition, Office staff had scores of short telephone consultations and referral calls that are not included in this count.

Of these 108 employees, 8 employees (7 percent) filed a petition. The rest elected less adversarial strategies to address their employment concerns.

The accompanying pie chart shows the employment groups of those employees who consulted with the office. Faculty and Civil Service employees are fairly equally represented in their use of the conflict resolution inquiry process. Much less use was made by P&A employees, post-docs, and student workers.



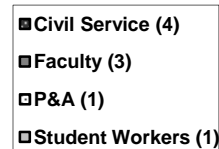
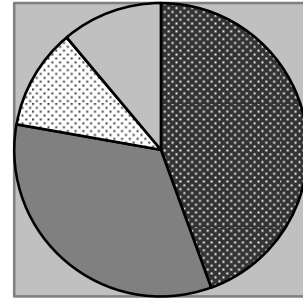
■ Faculty (43)
■ Civil Service (39)
□ P&A (16)
□ Student Workers (5)
□ Post-docs (3)
□ Academic Student Workers (2)

B. Petitions

During this year, eight new petitions and one grievance¹ were filed, compared to 18 petitions/grievances the previous year.

In addition to the nine new cases, three petitions/grievances filed prior to 2005-2006 were continued for active processing. Over the course of the year, five files were closed, compared to 32 closed in 2004-2005.

Under the new policy, there has been a nearly 50 percent decline in the number of formal cases commenced.



C. Informal Processes

Facilitated Dialogues and Ombuds Services

In 2005-2006, five of the nine newly filed petitions/grievances were resolved through informal processes, a 56 percent resolution rate. Of the four matters not resolved informally, one was close to being resolved informally in 2006-2007; two were scheduled for pre-hearing conferences in 2006-2007; and the fourth matter went through a peer hearing, with the University prevailing.

Of the two grievances/petitions filed prior to 2005-2006 but actively processed in 2005-2006, one was resolved in informal processes this year.

D. Advisory Determinations and Jurisdictional Challenges

The Conflict Resolution Policy provides, in part:

When a party raises a jurisdictional challenge..., the director will make a written determination whether the petition meets the jurisdictional requirements for the formal process. (Policy, Section V, Subd. D (2))

When requested by a party, the director makes an advisory determination on jurisdiction. It is subject to review by a hearing officer from the same employment category as the petitioner if either party requests it.

In 2005-2006, there were no jurisdictional advisory determinations issued.

¹ A former employee filed a grievance (under the former policy) regarding an arbitration conducted in 2004.

E. Peer Hearings and Decisions of the Senior Vice President and Provost

The peer hearing process is a fair hearing before a three-person panel of University employees. The panel is made up of a hearing officer selected by the director from the Hearing Officer Roster, a member of the Panel Roster selected by the petitioner, and a third member appointed by the responsible University senior administrator. After the hearing, the panel prepares a written decision that is distributed to the parties and to the Senior Vice President and Provost, who may accept, modify, or reject the panel's decision. In 2005-2006, one panel hearing was held under the Conflict Resolution Policy (compared to none the year before). The Senior Vice President and Provost accepted the panel decision, which was in favor of the University.

F. Arbitration Hearings

Under the Conflict Resolution Policy, if the petitioner receives an unfavorable decision from either a peer hearing panel or from the Senior Vice President and Provost, the petitioner may petition the Minnesota Court of Appeals for review or elect to proceed to binding arbitration.

During 2005-2006, one grievance on the merits was arbitrated (compared to two arbitrations the previous year). The arbitration involved a Civil Service employee who had been terminated, and the arbitration panel decision ruled in favor of the University.

An ongoing concern regarding the administration of arbitrations is the cost of the process. The policy provides that fees for arbitration are divided equally between the petitioner and the University. The costs for arbitration since 2000 have ranged from \$3,500 to over \$32,000. We have gathered information on how other employers, including universities and corporations, provide for payment of arbitration fees when they provide for arbitration. We are discussing this issue with the Conflict Resolution Advisory Committee and the results with other interested offices.

G. Coordinate Campuses

The Conflict Resolution Policy also applies to the coordinate campuses. In 2005-2006, there were inquiries from each of the coordinate campuses and one formal petition was processed on the Duluth campus. The petition was settled in the informal processes.

H. Issues and Policies Raised

The Office for Conflict Resolution maintains data regarding the issues presented in inquiries and petitions and the policies that are allegedly violated. However, it is difficult to provide an accurate general picture of the subject matter because several issues often fuel an individual complaint. The chart that follows summarizes the most frequently raised issues presented in petitions and inquiry meetings in 2005-2006 and the number of petitioners or inquirers for whom each issue was significant.

Issues Raised

Issue	Petitioners	Inquiries only
Disrespectful work environment	2	39
Termination of employment	4	14
Assignment of work	1	9
Retaliation	2	7
Performance evaluation/Post-tenure review	0	7

Policies Cited

Policy	Petitioners	Inquiries only
Code of Conduct	1	29
Civil Service Rules	3	18
Tenure Code	1	11
P&A Manual	0	8
Student Employment Rules	1	6

Other policies cited this year included Equal Opportunity and Affirmative Action and the Family Medical Leave Act.

III. Other Activities of the Office and the Conflict Resolution Advisory Committee

The Conflict Resolution Policy provides for a Conflict Resolution Advisory Committee to be appointed by representative University groups. This committee advises the Office and reports to the Senior Vice President for System Administration on the performance of the director and on the operation of the Conflict Resolution Policy. The Office staff and the Advisory Committee pursued several initiatives.

A. Annual Survey

An anonymous annual satisfaction survey is sent to all participants in the conflict resolution processes (complainants, respondents, advisors, attorneys, panelists, and hearing officers). Recipients are asked to rate the process, the performance of office staff, and the substantive outcomes. The survey is returned to the Chair of the Conflict Resolution Advisory Committee, reviewed by the entire Committee, and reported to the President of the University in the Advisory Committee's Annual Report to the President.

This year 146 surveys were mailed and 34 participants responded. The surveys show a very good level of satisfaction with the services that the office provides despite some dissatisfaction with the outcomes in the formal hearing processes.

B. Update on Administration of the Conflict Resolution Policy and Outreach

The Conflict Resolution Policy and Procedures were adopted in early 2005. Since then, the Office has focused on implementing the transition to the new policy. The Office designed a new booklet and information card to inform the University community about the policy and services.

Because our policy covers employees system-wide (more than 18,000 “regular” employees and many thousands of undergraduate and graduate student employees), our approach to internal outreach is to:

- ◆ Get information to the people who are likely to be in the communication loop when problems emerge and motivate these people to contact us and to refer employees to us.
- ◆ Do an effective, professional job so that word spreads that the office has been helpful.
- ◆ Have good information available on our website and in booklet and brochure form and keep distributing it.
- ◆ Participate in educational programs on conflict resolution both to improve employee skills and to make audiences aware of our office and services.

C. Educational Programming

With staff from the Center for Human Resource Development, the Office has developed a two-hour segment on conflict resolution skills to include in the Center for Human Resource Development orientation program for new supervisors at the University. This program is presented 6-10 times a year. With staff from the Student Conflict Resolution Center, the Office has developed a similar program for post-docs and for graduate students. The Office regularly presents programming to Human Resources staff and unit personnel.

During Spring Semester 2006, the Director taught a graduate-level mediation course in the Humphrey Institute of Public Affairs, and will teach it again Spring Semester 2007. The Director is a regular presenter at Continuing Legal Education programs and on HHH programs for the public.