



UNIVERSITY OF MINNESOTA



# Annual Report

2006-2007



OFFICE FOR  
**CONFLICT RESOLUTION**

OPTIONS FOR WORKPLACE DISPUTES



## CONFLICT RESOLUTION PROCESSING IN 2006-2007

The Office for Conflict Resolution is established by Board of Regents policy to assist University faculty, staff, and student employees to resolve workplace disputes—either through informal problem-solving initiatives or through a peer hearing process. The Regents policy and implementing administrative procedures require that the office prepare an annual report about the work of the office and distribute it to senior administrators and faculty, staff, and student representatives.

### Staffing

From September 2006 through August 2007, Carolyn Chalmers, the Director of the Office for Conflict Resolution, also served as the Interim Director of the Office of Equal Opportunity and Affirmative Action. This necessitated adding some staff to the Office for Conflict Resolution for the 2006-2007 academic year.

Mary Lay Schuster, a Professor in the Rhetoric Department, accepted an appointment as Deputy Director for the period September through June. Jan Morse, the Director of the Student Conflict Resolution Center, accepted a part-time appointment as Deputy Director during the summer months of 2007. Throughout the year, Jean Henrichsen continued to serve as Program Coordinator and Mary Tate, Director, Office of Minority Affairs and Diversity, Medical School, as Deputy Director for Special Projects.

### Consultations and Informal Assistance

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 or Deputy Director about workplace concerns or problems. Some are group meetings and some employees or groups meet with the Director or Deputy Director on several occasions over several months. These often involve ombuds activities by Conflict Resolution staff. Office staff have many short telephone consultations and referral calls that are not counted in the total number of consultations.

In 2006-2007, the Director and Deputy Director had 85 consultation/ombuds matters with employees or employment concerns. Of these 85 matters, about 41% were with Professional and Administrative employees, 35% were with Civil Service employees, 14% were with faculty, and 10% were with student workers and temporary/casual employees.

Seventy-three of the consultation matters, or 86%, did not result in a petition or formal peer hearing processing.

### Petitions

During 2006-2007, eighteen new petitions were filed, compared to nine petitions in 2005-2006 and eighteen petitions in 2004-2005. In addition to the eighteen new petitions, six petitions filed prior to this year were continued for active processing. Over the course of the year, twelve petition files were closed, compared to five closed in 2005-2006.

Of the twenty-four petitions actively processed in 2006-2007, seven were resolved through informal processes and four were concluded without a hearing due to dismissal or voluntary discontinuance. Of the thirteen remaining matters, two resulted in peer panel decisions against the petitioners and eleven were continued for additional processing in 2007-2008.

### Jurisdictional Challenges and Advisory Determinations

The Conflict Resolution Policy provides a procedure for determining if a particular matter is within the jurisdiction of the peer hearing process:

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.... Any party disagreeing with the director's jurisdictional determination may seek review.... Review will be done by a hearing officer.... The hearing officer's decision will be forwarded to the Provost who may accept, modify or reject it.... (Policy, Section V, Subd. D (2))

In 2006-2007, jurisdictional challenges were presented in one case. The jurisdictional challenges were raised at a pre-hearing conference and were referred directly to the hearing officer for decision. The hearing officer found for the petitioner. The hearing officer's decision was then forwarded to the Senior Vice President and Provost, who decided for the University on the jurisdictional issue and the petition was dismissed.



## Peer Hearings and Decisions of the Senior Vice President and Provost

A peer hearing is conducted before a three-person panel of University employees. The panel is comprised of a hearing officer selected by the director from a roster of hearing officers approved by the Senior Vice President for System Academic Administration, a member selected by the petitioner, and a 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 makes the final University decision in the matter.

In 2006-2007, there were two panel decisions. The Senior Vice President and Provost accepted the panel decisions, both of which were in favor of the University. Both matters regarded termination of employment.

## 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 2006-2007, no matters were arbitrated, compared to one arbitration the previous year.

## Coordinate Campuses

The Conflict Resolution Policy also applies to the coordinate campuses. In 2006-2007, there were consultation/ombuds matters with employees on each of the coordinate campuses. Four formal petitions were submitted from the Duluth campus. Three petitions were settled informally and one was continued for processing to 2007-2008.

## Issues and Policies Raised

The Office for Conflict Resolution maintains data regarding the issues presented in consultations 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 issues raised in both consultations and petitions this year are summarized below. The greatest number of complaints focused on the work environment and dissatisfaction with supervision. A smaller, but not insignificant, number of complaints concerned conflicts over performance feedback, discipline, and termination.

### Issues Raised

Disrespectful work environment  
 Unfair supervision  
 Termination of employment  
 Discipline  
 Discrimination

### Petitioners

2  
 0  
 7  
 7  
 0

### Consultations

35  
 11  
 7  
 2  
 5

### Policies Cited

Code of Conduct  
 Equal Opportunity/ Affirmative Action  
 P&A Manual  
 Civil Service Rules  
 Tenure Code

### Petitioners

2  
 3  
 2  
 5  
 4

### Consultations

31  
 16  
 11  
 7  
 6



## OTHER ACTIVITIES BY THE OFFICE AND THE CONFLICT RESOLUTION ADVISORY COMMITTEE

### Educational Programming

The Director, with staff from the Office of Human Resources, taught conflict resolution skills in orientation programs for new supervisors and new Human Resources staff, in programming sponsored by the Graduate School, and in many customized presentations within departments and units. The Director taught a graduate-level mediation training course through the Humphrey Institute of Public Affairs.

### Outreach Efforts

Because the policy covers non-bargaining unit faculty, staff, and student employees system-wide, outreach efforts include:

- Getting information to the people who are likely to be in the communication loop when problems emerge so that they refer employees to the office.
  - Doing an effective job so that word spreads that the office has been helpful.
- Having good information available on the website and in booklet and brochure form and distributing it.
  - Participating in educational programs on conflict resolution both to improve employee skills and to make audiences aware of the office and services.

### Annual Survey

An anonymous annual satisfaction survey is sent to all participants in the conflict resolution processes (petitioners, 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 and reported to the Senior Vice President for System Academic Administration in the Advisory Committee's Annual Report.

**Carolyn Chalmers, Director**  
**Jean Henrichsen, Program Coordinator**

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