



UNIVERSITY OF MINNESOTA



Annual Report

2010-2011

OFFICE FOR
CONFLICT RESOLUTION

OPTIONS FOR WORKPLACE DISPUTES



SUMMARY DATA ON CONFLICT RESOLUTION PROCESSING IN 2010-2011

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 being responsive to the concerns of faculty and staff, the office promotes a culture of engagement.

The Regents policy and implementing administrative procedures require that the office prepare an annual report about the work of the office, including a summary of issues raised in petitions, decisions rendered, 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, 2010, through June 30, 2011.

Staffing

Carolyn Chalmers, Director, and Jean Henriksen, Program Coordinator, staffed the Office for Conflict Resolution in FY11. Mary Tate, Director, Office of Minority Affairs and Diversity, Medical School, served as Deputy Director. Mari Magler, Associate Director, Disability Services, joined the office in June 2011 as part-time Assistant Director. Pat Bruch, Associate Professor, Writing Studies, served as Chair of the Conflict Resolution Advisory Committee. The Advisory Committee includes representatives from faculty, P&A, Civil Service, and student employee groups.

Consultations and Informal Assistance

Informal conflict resolution initiatives continue to be the largest part of the workload of the office. Consultations are face-to-face meetings (or telephone conferences with employees on the 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 FY11. In some cases, a matter involved several meetings over many months. Telephone contacts and referral calls are not counted in the total number of consultations.

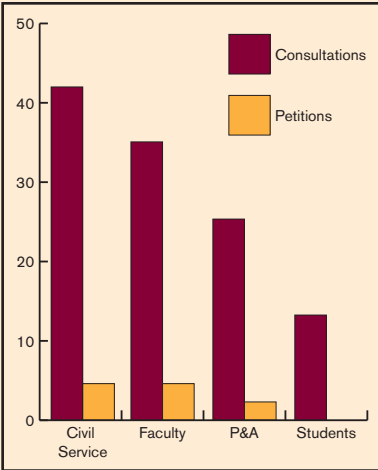
In FY11, office staff had 117 consultation matters, compared to 107 in FY10. Of these 117 matters, 30% were with faculty; 22% were with P&A employees; 37% were with Civil Service employees; and 11% were with graduate and undergraduate student workers. Eight of the 117 consultation matters resulted in the employee filing a petition. Three additional petitions were filed without a preliminary consultation.

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.



Number of Consultations/Petitions by Employee Group FY11



During FY11, there were 16 open petitions—11 new ones and five from FY10 that were continued for active processing. This compares to ten new petitions filed in FY10. Of the 11 petitions filed in FY11, five were by faculty, four by Civil Service staff, and two by P&A staff. Three petitions filed in FY11 were continued for processing in FY12.

Over the course of the year, 13 petition files were closed. Of those, eight concluded by settlement or dismissal without a hearing. Four petitions closed as a result of jurisdictional decisions. One petition closed due to an arbitration decision issued in FY11, although all of the internal and arbitral hearings on the matter concluded in FY10.

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. The Director makes an advisory determination on the jurisdictional issue, which is subject to review by the Senior Vice President for Academic Affairs.

In FY11, three matters were excluded from the petition process for failure to satisfy jurisdictional requirements.

A tenured AHC faculty member's complaint concerning reduction in compensation was referred to the Senate Judicial Committee, which determined that the appropriate forum for the complaint was University of Minnesota Physicians.

Two other matters, involving three petitions, were excluded because, in both cases, the petitioner was no longer a University employee and the petition was not timely filed following the termination of employment.

The Director's determinations in two of these matters were reviewed by the Senior Vice President for Academic Affairs, who concurred.

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 System Academic Administration. 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 in the matter.

In FY11, no peer hearings were conducted, compared to four in FY10. The Senior Vice President for Academic Affairs did not issue a final decision on a panel recommendation in FY11.

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 FY11, there were no arbitration hearings. However, a decision from an arbitration held in FY10 was issued in FY11. The matter involved the early termination of a P&A employee who complained that he had been terminated without just cause. The arbitration panel decided in favor of the University.

Coordinate Campuses

The Conflict Resolution Policy applies to all campuses. In FY11, there were 12 consultation matters with faculty or staff on the Duluth, Morris, and Crookston campuses and at two outreach centers. No formal petitions were submitted from any of the coordinate campuses.

Issues and Trends

Several issues often fuel an individual petition. As in FY10, some issues in

FY11 were related to budgetary pressures. People complained of heightened stress and conflict in the workplace, greater work demands, changing expectations by supervisors, and shortcut processes used to achieve cost savings.

In informal consultations, the predominant concerns were issues with the work environment and culture: disrespectful work environment, issues with supervisors, arbitrary supervision, perceived lack of reliable, consistent Human Resources information and accountability. The policy most often cited in informal consultations was Board of Regents policy: *Code of Conduct*. This policy does not provide for enforcement through the Office for Conflict Resolution.

In formal petitions, concerns were raised regarding termination, benefits following resignation or termination, compensation, transfer of grant funds, single semester leaves, and consulting time.

Issues Raised	Petitions	Consultations
Disrespectful work environment	2	20
Termination of employment	4	15
Supervision	0	13
Compensation	4	12
Discipline	0	10
Policies Cited	Petitions	Consultations
Code of Conduct	0	43
Civil Service Rules	3	22
Tenure Code	3	9
P&A Policies	0	7
Human Resources Policies	0	7



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

Review of the Conflict Resolution Policy

The Administrative Policy: *Conflict Resolution for Faculty, P&A, Civil Service, and Student Employees* calls for a review of the conflict resolution program every five years. The Conflict Resolution Advisory Committee and a workgroup of other stakeholders conducted this review and issued recommendations, which were discussed with several governance groups. The Board of Regents Policy was amended in December 2010 and the Administrative Policy and Procedures were updated in February 2011. Changes included revisions in both format and in substance. The substantive changes focused on the arbitration process and explanatory appendices.

Educational Programming

The Office received a small grant from the Office of the Vice President for Research (OVPR) to fund two programs for faculty, one on the St. Paul campus and one on the Minneapolis campus. Two outside speakers from the National Institutes of Health conducted the interactive programs on building successful research collaborations across disciplines, units, and institutions. Over 150 faculty and researchers attended. The programs were developed by a planning committee from OVPR, Office of the Provost, Human Resources, and Student Conflict Resolution Center.

The office increased its involvement in educational programming in the Academic Health Center this year. The OCR Director co-presented programs on graduate advising for the faculty of the School of Public Health and on conflict management for audiences of third-year medical students, chief residents, and women surgeons.

Ongoing educational efforts included co-teaching an upper-level class on Alternative Dispute Resolution at the University Law School. The Director participated, as in prior years, in new Chairs orientation, supervisor training offered by Human Resources, and presentations to faculty and staff governance committees.

In FY11, the Academic Civility Work Group (a work group of representatives from the Office for Conflict Resolution, Graduate School, Student Conflict Resolution Center, Academic Health Center, and graduate student governance groups) focused on improving graduate student/faculty advising. Tools developed by the work group are available on the Student Conflict Resolution Center website. A resolution supporting the efforts of the work group was presented to, and approved by, several University governance committees, including the Senate Social Concerns Committee, the Senate Committee on Educational Policy, the Senate Equity, Access and Diversity Committee, and by the University Senate at its meeting in May 2011.

Annual Survey

The survey to petitioners and those who consulted with this office was again sent by email in FY11. Respondents, advisors, and administrators were sent a separate email requesting their comments on the services of the office and suggestions for improvements. Both emails solicited anonymous responses.

The office consistently receives positive feedback in the survey. Survey results are reviewed by the Conflict Resolution Advisory Committee and are forwarded with an annual report on the performance of the office to the Senior Vice President for System Academic Administration.



Carolyn Chalmers, Director
Mari Magler, Assistant Director
Mary Tate, Consultant and AHC Liaison
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