



# Summary Report

## University of California Riverside

### Office of the Ombuds

#### July 2013—June 2014



OFFICE OF THE  
**OMBUDS**  
*A safe place to navigate  
through difficulties at UCR*

# INTRODUCTION TO CONFLICT WELLNESS



A few years ago, the term “Conflict Wellness” came to my mind, where it has lingered and refused to leave me alone. As far as I know it is a new term, but not really a novel idea, as it reflects a growing sense within the profession of the limitations of the term “Dispute Resolution.” “Conflict Management” is a term that has become more popular in recognition that organizational conflicts often run much deeper than a dispute and that management is a more realistic goal than resolution. The term “Conflict Wellness” adds a further wrinkle by highlighting opportunities for proactive and preventive attention to conflict regardless of whether there is an active dispute or conflict in progress. Conflict Wellness is also closely related to the concept of Campus Climate. However, whereas Campus Climate is often used to describe the experience of different demographic groups in engaging with the campus as a whole, Conflict Wellness primarily uses the lens of conflict and focuses more on the interpersonal interactions within local sub communities of the campus.

By emphasizing Conflict Wellness as the focus of this report I hope to provoke a dialogue about how conflict is addressed at UCR, and to inject a proactive and preventative perspective into that dialogue. In addition to providing statistics on the use of the Ombuds Office over the 2013-14 academic year, this summary report includes the following three brief pieces on Conflict Wellness:



1. “Conflict Wellness and how it differs from Dispute Resolution” provides a theoretical overview, clarifying the distinction between Conflict Wellness and Dispute Resolution, and illustrating the limitations of Dispute Resolution and the potential value of Conflict Wellness.
2. “Suggestions for Promoting Conflict Wellness at UCR” provides some preliminary thoughts on how Conflict Wellness could be promoted at UCR.
3. “The Role of the Ombuds Office in Promoting Conflict Wellness” provides an example of how offices, particularly those involved in Dispute Resolution, can identify opportunities to promote Conflict Wellness.

Hopefully these pieces provide food for thought.

Respectfully submitted,

Andrew Larratt-Smith  
UCR Ombuds  
November 30th, 2014

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# OVERVIEW OF THE OMBUDS OFFICE



The Ombuds Office provides visitors with a confidential, impartial environment, to help assess a difficult situation and to identify and evaluate a range of options for how

to address it.

Additionally, with the permission of the visitor the Ombuds Office may engage the relevant parties in an effort to address the situation informally. The Ombuds meets regularly with campus administrators to provide feedback on systemic issues without breaching the confidentiality of communications with individual visitors.

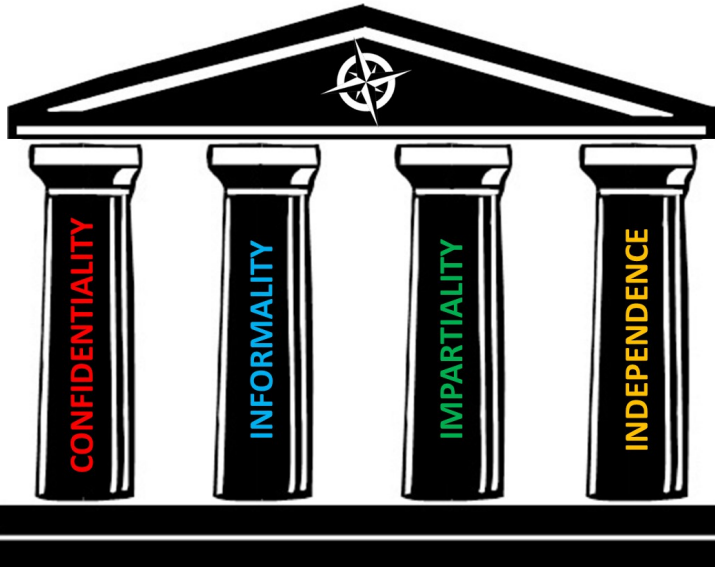


Figure 1: The Four Ethical Pillars of Ombuds Practice

The relationship between UCR and the Ombuds Office, and the contours of the role of the Ombuds Office are memorialized in

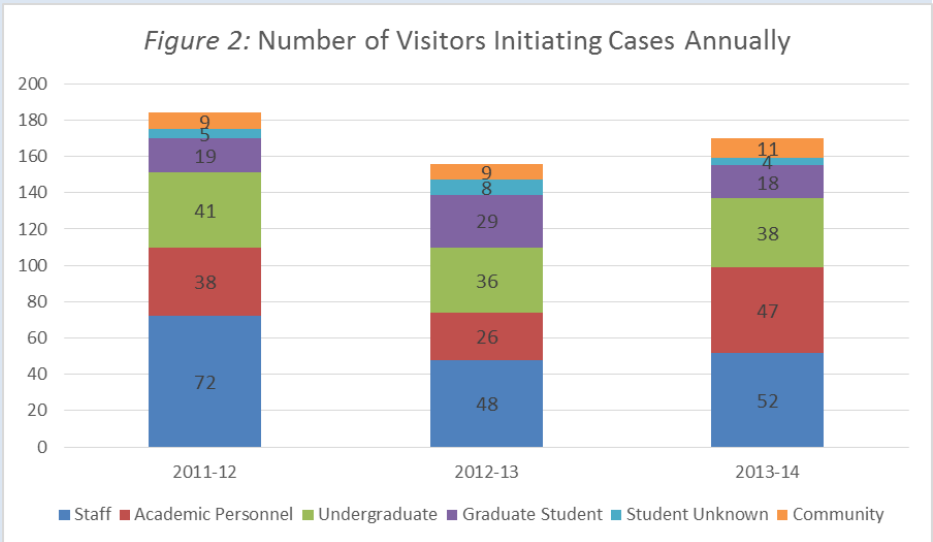
the [UCR Ombuds Office Charter](#). The charter is built upon the four ethical pillars of ombuds practice: Confidentiality\*, Impartiality, Independence, and Informality.

*\*unless the Ombuds perceives there to be an imminent threat of serious physical harm. Also note that due to confidentiality protections, communications with the Ombuds do not constitute notice to UCR.*

## STATISTICAL DATA

170 individuals consulted with the Ombuds Office in 2013-2014. Typically these consultations involve multiple conversations. Note that these statistics account for individual consultations only and do not include workshops, outreach initiatives or conversations with administrators.

Figure 2 provides a breakdown of the demographics of visitors who have consulted with the Ombuds Office over the last three years. Note that 2013-14 saw an increase in volume of academic personnel relative to 2012-13. Relative to their campus population, academic personnel are most likely to consult with the Ombuds Office, followed by staff, graduate students, undergraduates, and community members. Community members are typically parents or alumni.



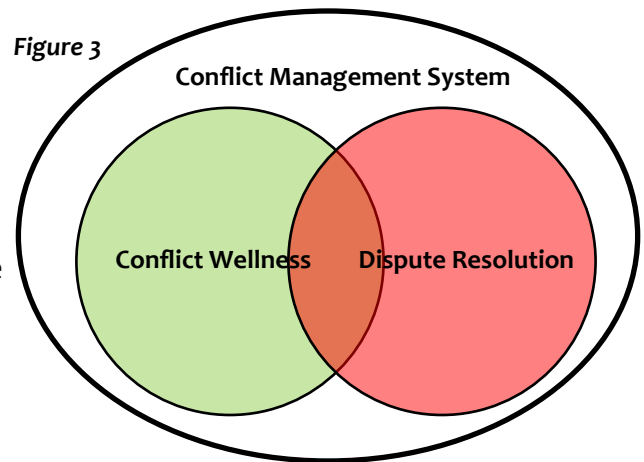
# CONFLICT WELLNESS AND HOW IT DIFFERS FROM DISPUTE RESOLUTION



## INTRODUCTION

Conflict Wellness warrants greater attention than it often receives from universities and other organizations in effectively managing conflict. Traditionally Dispute Resolution has been understood to be the principle mechanism for addressing organizational conflict. However, it is my belief that Dispute Resolution has significant limitations and that Conflict Wellness provides additional tools for effectively addressing organizational conflict. *Figure 3* illustrates the relationship between Conflict Wellness and Dispute Resolution as part of a Conflict Management System. Note that Conflict Wellness and Dispute Resolution complement one another and even overlap somewhat, but each contain elements that are exclusive of the other.

This article defines and distinguishes between Conflict Wellness and Dispute Resolution, demonstrates the limitations of Dispute Resolution in addressing costly organizational conflict, and proposes that a complementary emphasis on Conflict Wellness may improve overall conflict management effectiveness. These ideas are presented through the use of two conceptual tools. The first is the distinction between a dispute and a conflict (See *Table 1* on page 5). The second is the Conflict Behavior Spectrum. (See *Table 2* on page 5).



## DISTINGUISHING BETWEEN DISPUTES AND CONFLICTS

The terms “dispute” and “conflict” are often used interchangeably but in the context of Dispute Resolution and Conflict Wellness there are some important distinctions. A dispute is defined narrowly as a disagreement over a discrete issue for which a determination can be made whereas a conflict is defined much more broadly as an ongoing state of discord or friction between individuals or groups. Examples of disputes include the question of whether a policy has been violated or whether someone should be given an increase in pay. However a conflict would include the ongoing history of enmity and distrust between two employees, or within a department.

In light of this distinction it is easy to contrast the different goals of Dispute Resolution and Conflict Wellness. The goal of Dispute Resolution is to arrive at a determination (or resolution) of a particular dispute. There are a range of processes available for arriving at such a resolution. By contrast, the goal of Conflict Wellness is to proactively foster an environment of healthy conflict and to preventatively reduce unhealthy conflict regardless of whether there is a specific matter in dispute.

Exploring the dispute-conflict distinction further, some important principles emerge:

1) *Resolution is a realistic goal for a dispute, but typically not for a conflict.* By definition disputes are resolvable because some determination can be reached on the matter. Typically with conflicts there is no such clear determination that will settle the matter. In rare cases conflicts can be resolved through full reconciliation between all parties, but this depends upon the willingness of the parties to dramatically transform their relationship. A more realistic goal for conflict is de-

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escalation, moving the conflict into a healthier trajectory.

2) *Conflicts are dispute generators.* Parties in conflict are more likely to have disputes.

3) *Disputes are conflict escalators.* Parties in a dispute are likely to develop or harden feelings of antagonism and frustration towards one another.

4) *Dispute resolution processes can resolve the dispute but escalate the underlying conflict.* This is particularly true if some parties are not satisfied with the resolution or if the process is contentious. Unfortunately, this dynamic can deter some parties from engaging in dispute resolution out of fear they will merely exacerbate the underlying conflict. Informal, interest-based dispute resolution processes like mediation are less likely to escalate the conflict, and may even

improve long-term conflict dynamics, which is why many universities incorporate them into their dispute resolution structures. These interest-based processes are thus both a Dispute Resolution and Conflict Wellness mechanisms, since they strive to both resolve the dispute and improve the health of the overall conflict. However, they are not guaranteed to result in a resolution, in which case other more formal, adjudicative, and often more escalatory processes are required.

<b>Table 1</b>	<b>Dispute</b>	<b>Conflict</b>
<b>Definition</b>	<ul style="list-style-type: none"> <li>• A disagreement over a discrete issue for which a determination can be made</li> </ul>	<ul style="list-style-type: none"> <li>• An ongoing state of discord or friction between individuals or groups</li> </ul>
<b>Examples</b>	<ul style="list-style-type: none"> <li>• Whether a collective bargaining agreement has been violated</li> <li>• Who gets which office</li> </ul>	<ul style="list-style-type: none"> <li>• Two rivals</li> <li>• A factionalized department</li> </ul>
<b>Realistic Goal</b>	<ul style="list-style-type: none"> <li>• Resolution</li> </ul>	<ul style="list-style-type: none"> <li>• De-escalation</li> </ul>
<b>Relationship to the other</b>	<ul style="list-style-type: none"> <li>• A flare-up of a conflict</li> <li>• A conflict escalator</li> </ul>	<ul style="list-style-type: none"> <li>• A series of disputes</li> <li>• A dispute generator</li> </ul>

## CONFLICT BEHAVIOR SPECTRUM

The Conflict Behavior Spectrum conceives of the types of conflict behaviors exhibited in universities as falling within one of three categories along a spectrum. At one end of the spectrum is the green healthy conflict behavior zone. Here parties work together collaboratively, but are also able to regularly engage in healthy discussion and debate. When disputes arise they are resolved quickly and without escalation. On the other end of the spectrum is the red policy violation zone, which contains behaviors that violate university policy. Examples include relatively minor infractions like parking violations to more severe behavior like illegal discrimination, sexual harassment, and fraud. In the middle is the yellow unhealthy non-violation zone which contains behaviors that are unhealthy but that do not constitute a violation of university policy or law. They include items ranging from miscommunications to abusive conduct (also known as incivility or bullying).

Note that allegations of red zone behaviors are disputes, as they can all be boiled down to the question of whether the pertinent policy or law was violated. Yellow zone behavior, however, is often not so easily framed as a dispute. Under this model Dispute Resolution primarily involves addressing and resolving items in the red zone. Conflict Wellness on the other hand constitutes an effort to shift



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behaviors from the yellow zone to the green zone and to discourage green zone behaviors from becoming yellow zone behaviors.

There are a number of incentives for universities to prioritize items in the red zone. Because they are disputes, they can effectively be resolved through Dispute Resolution. Additionally, there are compliance requirements that govern the more severe red zone issues, which can result in costly fines or litigation if left unaddressed. These costs are apparent and measurable. Yellow zone issues by comparison are not governed by compliance requirements, can prove more difficult to resolve with Dispute Resolution, and their costs are not so easily quantified.

Nonetheless my hunch is that yellow zone issues are more costly to universities than red zone issues and deserve greater attention than they often receive. Conflicts typically begin and fester in the yellow zone, before generating red zone level violations; thus focusing primarily on the red zone can lead to managing symptoms. But more importantly, there are significant costs borne from conflicts in the yellow zone regardless of whether they ever produce red zone disputes. Take for instance a fractured academic department full of tension and strife. The environment is unpleasant. High performers leave for greener pastures and the department struggles to attract top level faculty and students. The remaining parties to the conflict recruit allies, creating factions and perpetuating the conflict by passing it along to a new generation.

These costs are much more difficult to quantify in real dollars than the money spent in resolving red zone disputes. However, money may not be the best currency to measure the cost of conflict, particularly in public universities. Public universities are not for-profit enterprises. Their core mission is excellence in research, teaching, and public service. So money is relevant as a cost only in the context of realizing the core mission; i.e. dollars spent settling red zone disputes cannot be otherwise invested in research, teaching, and public service. It is true that ongoing conflicts like the one in the department described above may not be easily expressed in dollars. However, ongoing conflicts may more directly undermine the ability of that department to excel in achieving the university's mission than any shortage of funds. Furthermore, since red zone disputes can be easily quantified in dollars, they are relatively easily solved with money; funds can be set aside in anticipation of fines and litigation. Not so with the underlying conflict; pouring more money into a conflict ridden environment does not necessarily improve the health of the conflict or translate into improved research, teaching, or public service.

## CONCLUSION

Dispute Resolution is a necessary and important function. When disputes arise, there must be mechanisms for making determinations. However, Dispute Resolution has limited ability to impact

**Table 2: Conflict Behavior Spectrum**

Healthy Conflict Behavior	<ul style="list-style-type: none"> <li>• Healthy Communication</li> <li>• Creative Collaboration</li> <li>• Respectful Disagreement</li> <li>• Friendly Competition</li> <li>• Disputes Resolved Quickly and Proactively</li> <li>• Fair Treatment</li> </ul>
Unhealthy Conflict Behavior That Does Not Violate Policy	<ul style="list-style-type: none"> <li>• Regular Communication Breakdowns</li> <li>• Conflict Avoidance</li> <li>• Unequal Treatment</li> <li>• Email Tirades</li> <li>• Triangulation</li> <li>• Rivalries &amp; Factions</li> <li>• Lingering Resentment</li> <li>• Back-biting &amp; gossip</li> <li>• Micro-Aggressions</li> <li>• Angry Outbursts</li> <li>• Abusive Conduct (aka Abrasive Behavior, Incivility, Bullying, Mobbing)</li> </ul>
Behavior That Violates Policy	<ul style="list-style-type: none"> <li>• Late Library Book</li> <li>• Smoking on Campus</li> <li>• Parking Violation</li> <li>• Illegal Retaliation</li> <li>• Plagiarism</li> <li>• Sexual Harassment</li> <li>• Illegal Discrimination</li> <li>• Fraud</li> <li>• Violence</li> </ul>

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the underlying unhealthy conflicts which do not violate university policy but may nonetheless undermine the mission of the university. Conflict Wellness provides a complimentary emphasis on proactively fostering an environment of healthy conflict and preventatively reducing unhealthy conflict regardless of whether there is a specific matter in dispute. Conflict Wellness is not a panacea. It will not eliminate all unhealthy conflict. However, if it can shift even a small percentage of unhealthy conflict environments into healthy conflict environments, it has the potential to directly improve the university's capacity to excel in research, teaching, and public service. For suggestion for how Conflict Wellness could practically be implemented at UCR see "Suggestions for Promoting Conflict Wellness at UCR" below.

## SUGGESTIONS FOR PROMOTING CONFLICT WELLNESS AT UCR

Here is a preliminary list of nine ideas for promoting Conflict Wellness at UCR. It is far from exhaustive and is offered in the spirit of starting the conversation.

- 1) *Garner institutional commitment and leadership from all layers of the University.* Developing a culture of Conflict Wellness will require recognition of its value and resolve to practice it, from a broad spectrum of the campus community and will require champions in senior leadership.
- 2) *Identify and replicate areas of strength.* What areas of campus have healthy conflict climates where people are exhibiting green zone behaviors? What have they done to establish and maintain these climates? What lessons can be learned and translated to other areas of campus?
- 3) *Identify common systemic problem patterns.* Often there are systemic dynamics or inherent tensions underlying repetitive challenges. What are the common issues? What are the underlying systemic dynamics and how can these dynamics be managed in such a way that they are less likely to result in unhealthy conflict?
- 4) *Cultivate skills relevant to conflict management.* These include leadership and management skills, communication skills, (particularly active listening), facilitation skills, and interest-based negotiation skills. These skills can be cultivated both in individuals and also in teams.
- 5) *Clarify expectations to prevent conflicts before they arise.* These can take on many forms. Syllabi are a common example of setting classroom expectations, but this concept can be extended to expectations in other arenas including lab operations, partnering agreements for scientific collaborations, and protocols for addressing conflict in workgroups. Moreover sample templates or guiding principles could be developed by a workgroup of experts for these documents.
- 6) *Ensure fair processes.* Substantive conflicts are much more likely to remain in the healthy green zone if processes are seen as fair. Checklists of fair practices have been developed, which can be applied to a variety of processes.
- 7) *Cultivate healthy collaborative relationships.* Having a healthy relational foundation prior to conflict increases the likelihood that the conflict will remain in the healthy green zone. Local units can identify practices that both foster healthy relationships and fit their culture.

## SUGGESTIONS FOR PROMOTING CONFLICT WELLNESS AT UCR (CON'T)



8) *Operationalize Values and Principles of Community.* While the yellow zone behaviors do not constitute a violation of university policy or procedure, they are often at odds with the [UC Standards of Ethical Conduct](#) and [UCR's Principles of Community](#). The language of these documents is broad and aspirational, and lacks the specificity and direct applicability of policy. This can be a source of cynicism for some community members when they witness a gap between the stated aspirations of the organization and the behavior of some of its members. Nonetheless, there may be ways of operationalizing the Values and Principles of Community if they are widely recognized to carry moral authority and creative thought is given to their implementation.

9) *Examine existing Dispute Resolution functions on campus to identify opportunities to emphasize Conflict Wellness.* While Conflict Wellness is a university-wide endeavor, the offices currently engaged in Dispute Resolution are likely well positioned to make a significant contribution to Conflict Wellness, and in fact may already be doing so. They may be able make adjustments to which services they offer or promote to emphasize Conflict Wellness. For an example see “The Role of the Ombuds Office in Promoting Conflict Wellness” below.

## THE ROLE OF THE OMBUDS OFFICE IN PROMOTING CONFLICT WELLNESS

Here are some of the services the Ombuds Office provides in promoting Conflict Wellness:

- 1) *Confidential Consultations* – Members of UCR facing difficulties can consult confidentially with the Ombuds Office to determine their options and consider how to proceed. Providing these consultations is the primary function of the Ombuds Office. These consultations promote Conflict Wellness by helping community members consider less escalatory approaches to addressing their problems.
- 2) *Informal Facilitation* – With the permission of the parties involved, the Ombuds serves as an impartial third-party facilitator or intermediary in informally addressing conflict between parties. This facilitative approach provides opportunities to address underlying dynamics as well as the surface level dispute.
- 3) *Systemic feedback* – The Ombuds office identifies to appropriate members of administration patterns or emergent systemic challenges that could use attention, without breaching confidentiality of individual visitors to the Ombuds Office. The feedback helps address systemic problems proactively and preventatively.
- 4) *Workshops* – The Ombuds Office offers a variety of workshops on skills pertinent to Conflict Wellness. These include understanding and navigating conflict, conflict management, communication, and ethics. They are available through the UC Learning Center and upon request.
- 5) *Working with Groups* – The Ombuds Office provides services to assist groups and local units in improving Conflict Wellness. In addition to consultations, facilitation, and workshops, other prevention-oriented services include conflict climate assessments, communication protocols.