

# A Questionnaire for Analyzing your Conflict Management System based on the Functions Needed in a Conflict Management System

By Prof. Mary P. Rowe

One way to assess the conflict management system of your organization is to work with several colleagues to identify and assess the people and the offices who perform the various functions needed in an effective system.

This questionnaire asks you to do three things.

- First, identify those who perform the various functions. If the answer is "no one," then think about developing the function.
- Second, note whether these offices and people think of themselves as part of a *system*. Do they all understand the policies and procedures and conflict management options available in your organization? Do they work together? Do they understand privacy and confidentiality?
- Third, how effective is your system? What would make it more effective?

## Interest-based options

Interest-based options for fairness and problem-solving attempt to address the real needs of the complainant (and usually others), as distinguished from defining problems and their solutions solely in terms of legal rights or managerial power. Some interest-based options may deal mainly with how information gets where it needs to go, rather than how the information will be handled. For example there should be several informal ways for surfacing credible information about illegal or criminal behavior, even though many allegations about such behavior will actually require formal procedures. Other interest-based options provide confidential third party assistance to first parties to settle problems on their own. And some interest-based options provide third party assistance to intervene, usually informally, to help solve problems.

1. **Listening:** An important option that a person may choose is just to talk, and for the manager, ombudsperson, union steward, EAP, or other resource person just to listen, in an active and supportive fashion that helps the speaker sort out the problem and reduce tension. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
2. **Giving and receiving information:** Often a person needs information on a one-to-one basis. For example, an employee may not know what information or which records are by law available to him or her. A manager, ombudsperson or 800 line may also be *given* information about

- a problem in the workplace, for example a safety issue, evidence about a theft, harassment or potential violence, or about equipment that needs repair. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
3. **Re-framing issues and developing options:** A manager, ombudsperson, union steward, or other resource person may be able to help a caller or complainant develop responsible new options they might find acceptable as a means of dealing with a problem. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  4. **Referral:** Many disputants and complainants need more than one helping resource—in effect, a helping network. The importance of this function is one of the important reasons for explicit integration of all the elements and resource persons in a conflict management system. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  5. **Helping people help themselves in a direct approach:** An ombudsperson or other resource person, manager or teammate may help someone with a problem to deal directly with the perceived source of a problem. The direct approach can be pursued by the person alone, or with a colleague; in person, or on paper, or both. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  6. **Shuttle diplomacy:** A person with a concern may choose to ask a third-party to be a shuttle diplomat, who will go back and forth between A and B or bring A and B together informally to resolve the problem. The third party could be a supervisor, union steward, human resource officer, an ombudsperson, or other staff member. Alternatively, a complainant might choose to ask a teammate, uninvolved colleague, a senior mentor, or other appropriate person to intervene. This option is essential, and very frequently chosen, in many cultures outside the US. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  7. **"Looking into" the problem informally:** Most problems, especially if they are caught early, do not require a formal investigation. There are at least two kinds of informal data gathering that may be performed by third parties, one by organizational ombudspeople and another by line managers, administrative officers, human resource managers, and other appropriate staff. Assistance from an organizational ombudsperson (except for classic mediation as described below) is informal and typically does not result in a case record for the employer. Line managers, and staff people such as administrative officers and human resource managers, may look into a problem informally, but also may or

- must make management decisions as a result. . Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
8. **Classic formal mediation:** Classic mediation is the only formal, interest-based option. This option is offered internally by some employers and externally by some. In classic mediation, A and B are helped by an organizational ombudsperson, or another person who is a professional (neutral) mediator, to find their own settlement, in a process that has a well-defined structure. . Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  9. **Generic approaches:** A complainant may choose a generic approach aimed at changing a process in the workplace, or alerting possible offenders to stop inappropriate behavior, in such a way that the apparent problem disappears without direct involvement of the parties. For example, an ombudsperson might be given permission to approach a department head about a given problem without using any names. The department head might then choose to distribute and discuss copies of the appropriate employer policy or encourage safety or harassment training, or legally correct billing behavior, in such a way as to stop and prevent the alleged inappropriate behavior. Generic approaches offer the advantage that they typically do not affect the privacy or other rights of anyone in the organization. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  10. **Systems change:** People with concerns often simply wish to suggest a change of policy, procedure or structure in an organization, to recommend re-orientation of a team project, or to start an orderly process of dealing with a policy or group or a department that is seen to be a problem. This function is especially important for problems that are new to the organization. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
  11. **Training and prevention:** The employer should if possible maintain on-going training programs to teach the skills of team work, conflict management, and dispute resolution. Note that this training should be about first-party negotiations, as well as third party intervention. Training is also required about specific topics such as diversity, ethics, and safety. The employer should provide training that fosters individual responsibility and accountability at all levels. This training should also include issues of dissent and reprisal. Four different groups need training about raising questions, about disagreeing and about complaining. These are potential complainants and dissenters, potential respondents, potential bystanders, and supervisors.. Some offices are very

confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**

12. **Following through:** Often a resource person or supervisor will undertake some action as requested by a person with a concern. In other cases a complainant will decide after consultation to act directly. Complaint-handlers can and should appropriately "follow through" on the problems brought to them. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**
13. **A custom approach:** Where none of the options above seem exactly right, a person with a concern or complaint may ask for or need unusual help. If all options temporarily seem inappropriate, an organizational ombudsperson or other resource person or manager may simply continue to look for a responsible approach that is tailor-made for a particular situation. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**

### **Rights-based options**

Disciplinary action and adverse administrative action against a respondent require a fair investigatory and decision-making process. Definitions of appropriate process differ. Our list of elements of fair process includes many of the customary elements. These are notice to the alleged offender, a reasonable opportunity for that person to respond to complaints and evidence against him or her, a chance to offer his or her own evidence, reasonable timeliness, impartiality of investigation and decision-making, freedom from arbitrariness and capriciousness, the possibility of appeal, and the right of accompaniment by a colleague or co-worker. The employer should have explicit rules about maintaining privacy. The employer should, if possible, provide for follow up monitoring on each case that is settled formally, to check if the problem has been fairly resolved and that there is no reprisal against any disputant or witness.

1. **Investigation and adjudication and formal appeals:** Union contracts have their own formal grievance process. For non-union employees and managers, a supervisor, department head, personnel officer, inside or outside fact-finder, or other appropriate staff person or compliance officer, may investigate and/or adjudicate a concern in a formal fashion, or deal with an appeal in a formal grievance channel. Final appeal might be to a peer review panel, senior manager, to the CEO, or to an outside arbitrator. Best practice in our opinion requires separation of fact-finding from decision-making in serious cases, and the possibility of appeal to a person or structure that is outside the relevant line of supervision. Some offices are very confidential, some are not confidential or are not trusted

to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**

2. **Emergency action:** Some organizations have their own security or sworn police force. This department may offer an option for emergencies based on both rights and power. Some offices are very confidential, some are not confidential or are not trusted to be confidential—label these C or Not C. **In my organization, the offices and people who perform this function are:**

### **Review the Questions**

First, identify those who perform the various functions. If the answer is "no one," then think about developing the function. Second, note whether these offices and people think of themselves as part of a *system*. Do they all understand the policies and procedures and conflict management options available in your organization? Do they work together? Do they understand privacy and confidentiality? Third, how effective is your system? What would make it more effective?