

EMPLOYMENT DISPUTE RESOLUTION

T. Zane Reeves, PhD
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PUBLIC ADMINISTRATION 528

“Violence is the last refuge of the incompetent.”
---Isaac Asimov, US author [Russian born], 1920-1990

“Peace does not mean an absence of conflicts; differences will always be there. Peace means solving these differences through peaceful means; through dialogue, education, knowledge; and through humane ways.” — Dalai Lama XIV

“Hold tight to your anger, don’t fall to your fears.”
---Bruce Springsteen, “Wrecking Ball”

“Two-thirds of millennials don’t know what Auschwitz is”
---Holocaust study

COURSE OVERVIEW

This course is an overview of conflict and dispute resolution in the workplace. The first part of the course explores the origins of conflict in humans with particular attention to the emotions surrounding dispute resolution and prevention. Issues of aggression, bullying, and violence are analyzed in depth. Conflicts are examined in the context of inherent physiological facets of the brain, the influence of cultural and social values as well as socialization by family, peers, and organizational culture. Conflict as a functional and dysfunctional dynamic is compared, with attention to why conflict is sometimes positive and at other times destructive in work teams. Particular attention is given to power of emotion and the application of various personal styles in resolving disputes.

The final part of the course looks at formal structures and techniques for resolving disputes and grievances in the workplace. The underlying assumption is that negative conflict is most effectively addressed as soon as it emerges, rather than waiting until grievances evolve into disputes, aggression, violence, litigation or concerted job actions. In this regard, the course will analyze the appropriate uses ADR techniques, i.e., enhanced communication, negotiation strategies, as well as third-party neutral approaches such as mediation, conciliation, facilitation, fact finding, ombudsmen, and arbitration.

REQUIRED READINGS

T. Zane Reeves, *Holistic Dispute Resolution* (2019). Book package may be purchased from Outcomes, Inc., located at 1503 University Blvd., NE, call (505) 243-2551 to arrange shipping (\$45).

AGENDA

January 19: Employment Dispute Resolution

Syllabus review
 Concepts and terminology
 Approach and expectations

January 26: Heart, brain & guts in resolving conflicts

Heart metaphor for emotions
 Brain reality for emotional conflict
 Conflicts and disputes
 Positive conflict of teams
 Negative disputes and resolution

Read: Chapter 1

Prepare: Discussion questions #1 & #2 on p.14

February 2: Communicating to avoid negative conflicts

Listening intently
 Keeping conflicts from becoming disputes
 Cultural misunderstandings
 Gossiping and labeling tendencies

Read: Chapter 2

Prepare: Discussion questions #1, #2 & #3 on p. 39

February 9: Seven deadly causes of workplace disputes

Lying and false news as conflict sources
 Committing to core values
 Abuse and racism as sources of conflict
 Understanding and elevating your emotions
 Encouraging creativity and honesty

Read: Chapter 3

Prepare: Discussion questions #4, #6, #7 on pp. 70-71

February 16: Practicing responsibility and self-discipline to reduce conflict

Differences between team and group behavior
 The Mutual trust network
 Abilene Paradox
 Dominicans do time
 Responsible and irresponsible bosses

Read: Chapter 4

Prepare: Discussion questions #2, #3 & #4 on p. 95

February 23: No class: Plan to attend termination hearing (via zoom) for Town of Bernalillo on one of these dates: February 18, 19 or 22 and write report.

March 2: Work as Mitzvah

Workplace bullying & psychological violence at work
 When conflict in the workplace escalates to emotional abuse
 Cubicle bullies: Mobbing at work
 Guidelines for healthy confrontation
 Leaving a legacy
 Conflict and happiness
Read: Chapter 5
Prepare: #1 & #2 on p. 119

March 9: Evaluating performance, appreciating people

Handling differences and disagreement
 Reframe your thinking
 Apprising without appraising
 Positive, non-judgmental feedback
 Encouragement
Read: Chapter 6
Prepare: Discussion questions #1 & #3 on p. 155

March 16: Developing discipline to resolve disputes

Resignation in lieu of discipline
 Disciplinary practices that really work
 The Use of employee-based grievance systems
 Corrective actions to reduce conflict
Read: Chapter 7
Prepare: Discussion questions #3 & #4 on pp. 180-182

March 23: Promoting harmony and peacemaking at work

Stress reduction and management
 The Hidden messages in disciplinary memos,
 Styles of resolving conflict and your dominant style
 Practicing peacemaking
Read: Chapter 8
Prepare: Discussion questions #1, #2 & #4 on p. 206

March 30: Spring break**April 6: Professional ethics in conflict resolution**

Role of professional ethics in conflict reduction
 Conflict between personal and professional ethics
 Conscience as a guide
Read: Chapter 9
Prepare: Discussion questions #1 & #2 on p. 227

April 13: Creating family at work

Call of conscience

Barriers to commitment

Moon rescue consensus

Read: Chapter 10

Prepare: Complete self-assessment exercises #1, #2 & #3 on p. 248

April 20: Balancing mental health

Cultural barriers to mental health

Work stress as a cause of conflict

Work/home balance as stressors

Read: Chapter 11

Prepare: Discussion questions #1, #2 & #5, on p. 273

April 27: Investigating sexual harassment in K-12

Title VII & IX claims

Investigating sexual harassment in schools

Clear & convincing or preponderance of evidence?

Read: Chapter 12

Prepare: Discussion questions #1, #2 & #3 on p. 308

May 4: Conducting the grievance review hearing

7th grade sexting

Assessing credibility and spotting liars

Read: Chapter 13

Prepare: Discussion questions #1 & #3 on p. 341

May 11: Alternative dispute resolution techniques

Stages of mediation & mediation process,

Mindset for mediation & mediator principles and beliefs

Mediating disputes

Phoenix food fight

Mediating custody

Read: Chapter 14

Prepare: Discussion questions #1 & #2 on p. 376

GRADE DETERMINATION

Because this is a graduate course, students will be eligible to earn one of the following grades:

A+ Truly outstanding performance on all self-assessment exercises and through insightful participation in classroom discussion. No more than 3 absences/tardies.

A Excellent contribution on all self-assessment exercises and solid participation in classroom discussion. No more than 3 absences/tardies.

A- Excellent contribution on most self-assessment exercises and consistent

participation in classroom discussion. No more than 3 absences/tardies.

B+ Excellent contribution on a majority of self-assessment exercises and through consistent participation in classroom discussion. No more than 4 absences/tardies.

B Solid contribution on a majority of self-assessment exercises and through consistent participation in classroom discussion. No more than 5 absences/tardies.

B- Solid contribution on at least half of self-assessment exercises and through participation in classroom discussion. No more than 6 absences/tardies.

C Unacceptable level of performance on most self-assessment exercises and inconsistent participation in classroom discussion. No more than 7 absences/ tardies.

For purposes of grading, the following factors will be weighed in the final grade:

Discussion Question answers (timeliness & content)	40%
Participation in small group class discussion	40%
Attendance	20%

Answers to Discussion Questions are due on the class dates indicated and must be sent electronically to me **before 4 pm Tuesdays**. Answers must be lucid, cogent and thoughtful. Do not answer in outline or bullet formats. These are essay answers and *each answer must include references to independent research*, relevant examples from your own experience as well as definition of all terminology, acronyms and concepts. All sources cited in each answer must be included as complete citations in a References section or footnotes (See below). You can reach me at tzane@unm.edu if you experience any difficulties.

All references included in your answers must be listed as *complete citations in a References* section at the end of your answers, according to the following examples:

Citation in answer:

(a) (US, Transportation Security Administration, 2003)

(b) (*Wall Street Journal*, 2012)

(c) “Weiner stated...” (Weiner, 2011: n.p.)

Corresponding citation in References section:

(a) US, Transportation Security Administration (2003) “TSA’s Loy Determines Collective Bargaining Conflicts with National Security Needs,” (January 9) Washington, DC. <http://www.tsa.gov/public/display>

(b) *Wall Street Journal*. 2012. “Wisconsin unions see ranks drop ahead of recall vote,” May 30.

(c) Weiner, Rachel. 2011. “Issue 2 falls, Ohio collective bargaining law repealed,” *The*

Washington Post, November 8, https://www.washingtonpost.com/blogs/the-fix/post/issue-2falls-ohio-collective-bargaining-law-repealed2011/11/08/glQAYZ0U3M_blog.html (accessed on January 16, 2016).