

# Faculty Dispute Resolution

Seeking Resolutions to Workplace Disputes

## Taking the Bull(y) by the Horns: Workplace Bullies and Conflict Resolution

Author: Cynthia F. Cohen



Cynthia Cohen describes bullying as a quiet problem – it often goes underreported and under-addressed. She offers suggestions for how to address bullying in the workplace.

In a 2007 survey by the Employment Law Alliance, 45 percent of workers reported they had worked for a bullying boss. Bullying behaviors include a variety of aggressive and unpleasant actions, such as verbal abuse, public mocking and humiliation, sarcasm, mean-spirited jokes, personal insults, planting false rumors and inciting others to engage in

similar behaviors (p. 26). Cohen is concerned about the resistance in addressing bullying and in managing this conflict in a positive way: “. . . managers who bully their subordinates are failing at their jobs at the most fundamental level and organizations that tolerate bullying help sustain it . . . ignoring bullying creates a tacit sense that the organization condones it and no doubt encourages repeat behavior” (p. 26).

Workplace bullying can result in psychological and even physical harm. Even though bullying is present in different settings, it is not addressed very often because of fear of retaliation, especially when the manager is the bully. A power dynamic plays an important part in the bullying situation because the bully holds a high position.

Cohen talks about ways to reduce bullying behavior and encourage successful management. Business atmospheres can be changed with hiring processes that look for employees with strong interpersonal skills that have a conflict positive attitude. Early interventions, like anger management training and conflict management training, can be significant in finding a resolution.

Furthermore, formal performance review systems should incorporate evaluation of areas of behavior that identify bullying situations. Since bullying is associated with turnover, Cohen also notes the importance of an exit interview. People who leave a company should be asked questions about the atmosphere in this workplace. This exit interview can be of great support for the future organizational structure and the potential to correct the bullying behavior.

Trainings in conflict resolution skills for employees and managers may help to build more confidence for the victim as well as the bystanders to the bullying to speak out against it. Employers should consider creating a workplace behavior policy, which identifies bullying as unacceptable. This act shows employees that employers will take complaints about bullying seriously.

In larger companies, Cohen suggests a neutral third party position who can detect patterns of behavior that might not be evident through other means. Should more formal conflict resolution systems exist, it is important that employees should have an easy access to these systems.

The awareness of the problem is growing and some states are considering “Healthy Workplace Acts” which would elevate bullying to a similar status as harassment (p.27).

Cohen believes that “by addressing bullying effectively, organizations will improve morale, productivity and job satisfaction” (p.27). And, employees will receive the just and safe work environment that they deserve.

Source: [ACResolution](#), Fall/Winter 2007, pp. 26-27.  
Prepared by Kerstin Schuhfleck, FDR Graduate Assistant

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The FDR logo is a Triskelion design from the late Bronze Age. A lively symbol, it gives a distinct impression of movement, always ongoing, fully connected, expressing continuity and balance

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“They say that time changes things, but you actually have to change them yourself.”  
—Andy Warhol

**The Power of a Positive No:  
How to Say NO and  
Still Get to YES  
Author: William Ury, Ph.D.**

Mahatma Gandhi once said: “A ‘No’ uttered from deepest conviction is better and greater than a ‘Yes’ merely uttered to please, or what is worse, to avoid trouble.”

In his book ‘The Power of a Positive No: How to Say No and Still Get to Yes’, William Ury explains the importance of being authentic when saying No, and offers ways for how to say No in a constructive manner.

Using a wide variety of examples from every day life, the author gives examples of the consequences of not saying no, destructive No’s, and constructive No’s.

Ury describes the **Three-A Trap** -- three common approaches during a power-versus-relationship conflict or dilemma when No is being used in a destructive way.

- 1) We **accommodate**, which means we say Yes when we want to say No.
- 2) We **attack** and say No poorly, or
- 3) We **avoid** and say nothing at all.

These three approaches can also be mixed and used in a combined way, which also supports the creation of a destructive No.

There are ways to create a constructive No. In the Positive No model, Ury explains the “**Yes! No. Yes?**” approach.

1. In order to say a Positive No, you must first uncover your own desires, and start with a **Yes!** to yourself, protecting what is important to you.
2. The **No** asserts and empowers your own power and protects your personal boundaries.
3. The second **Yes?** is externally focused on directed towards the relationship with the other person.

With the positive No model, you can combine the use of power to get what you want and the use of relationship to create a constructive and respectful confrontation.

William Ury gives an example of a man, who felt compelled to stand up to a domineering father, who also happened to be his employer. This man worked in a family business and put in long hours even at holiday times. This man also did not feel he was treated well because his co-workers, who were also family members, earned as much as he did but he put in significantly more hours than they did. The father always said that he pays everyone the same amount to prevent favoritism. The son felt misunderstood and was very upset until one day at a family dinner he asked his father if he could speak to him privately. He stepped forward, gathered all his courage and told his father in a respectful way that he wanted to be with his own family during the upcoming holidays, that he was not working overtime anymore, and that he wanted to be compensated proportionally for his work. He spoke strongly, yet respectfully. The father agreed to no overtime and was willing to talk about the finances. The son did not anticipate his father’s response, though sensed that he was both angry and proud of his son at the same time.



What this man learned in saying No to his father was that it is possible to use your power and at the same time preserve your relationship. This is the core and the heart of a Positive No.

William Ury’s intention with his book is to offer a model for how to create a Positive No in this society without feeling guilty or destroying relationships. He offers a well-written book in which each chapter helps prepare you to create a constructive Positive No.

Ury, W. (2007). *The Power of a Positive No: How to say NO and still get to YES*. Bantam Books.

Prepared by Kerstin Schuhfleck, FDR Graduate Assistant

**All the good maxims have been written.  
It only remains to put them into practice.**

– Blaise Pascal

## What is Mediation Really? Clearing Up Common Misconceptions about Mediation

Like many professional practices, mediation has developed its share of myths and misconceptions. Faculty Dispute Resolution would like to take this opportunity to dispel some of these myths and misconceptions, and thus invite UNM faculty to take a fresh look at the unique benefits that mediation offers.

Myth	Reality
I'll be forced to take part in mediation to resolve a dispute.	Mediation is a voluntary process. After learning about how mediation works, faculty decide if they will participate in the process. In doing so, they also agree to make a good faith effort toward resolving the difficulty (otherwise, the meeting would be wasting their time and that of others).
The mediator will decide who is right and who is wrong.	The mediator is not a judge and does not take sides or place blame, but instead acts as a facilitator for communication and problem solving. Agreements reached are created by and agreed to by the persons involved.
Everyone will know about the problem. Talking about it will just make it worse.	Mediation is a confidential process and any agreements made are confidential to the faculty at the table, unless they agree that specific others should be informed of the agreements. Mediation is an attempt to resolve disputes before they escalate to greater adversarial stands. Talking can increase understanding, and understanding can open avenues for resolution.
Having to take part in mediation is a form of punishment. Are we such bad people?	Mediation is never a punishment. It is an opportunity to have a mediated discussion that may lead to better insight, clearer communication, creative solutions, better working relationships, and a healthier work environment.
Taking part in mediation gives the other person an opportunity to verbally attack and blame me.	Part of the mediators' job is to maintain a setting where faculty can have a respectful, constructive and compassionate discussion. The rules of conduct during the mediation are agreed on ahead of time and facilitated by the mediator.
Asking for help from a mediator means that I am not strong, smart, or resilient enough to solve my own problems.	The willingness to take part in the mediation process is a smart choice and shows strength of character. Resolving a conflict at the level of mediation can avoid litigation, disciplinary action, and a continued unhealthy work environment. It takes a great deal of strength of character to be willing to sit down with a person with whom you have a conflict and civilly express yourself and listen to the other person's perspective. Mediation is not for wimps!
I don't have a real dispute - why mediate?	"Disputes" can include disagreements about how decisions are made, communication breakdowns, misunderstandings, different work styles, and even different styles for responding to conflict!

Prepared by Matthew Dahlsten, FDR Graduate Assistant

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Note: We usually list the faculty who have completed mediation training, but ran out of space in this issue. Please see the FDR website and click on the link to Faculty Mediators: [www.unm.edu/~facdr](http://www.unm.edu/~facdr)

## Mediation Training – September 2008

Jean Civikly-Powell (Professor Emerita, Communication; Director, Faculty Dispute Resolution) will be offering mediation training for UNM faculty in September 2008.

The goal of the training is to increase the presence of mindfulness and practice of constructive conflict resolution on the UNM campus. Jean is an experienced mediation trainer and coach. The training will prepare faculty in the content, theory and practice of conflict resolution and mediation.

For the September training, Jean will also include dimensions of strengths-based principles and appreciative inquiry. This is a 4-day/all day training. The dates and times for the mediation training are:

**Friday & Saturday, September 12th & 13th,  
8:30 – 4:30**

**Friday & Saturday, September 19th & 20th,  
8:30 – 4:30**

To register, please contact Jean at 277-3212 or [jcivikly@unm.edu](mailto:jcivikly@unm.edu).

We look forward to an exciting and transforming experience for all!

## Graduate and Professional Student Dispute Resolution Organization

– New this semester –

Graduate students can now reach GPS-DRO at 277-7830 – please leave a message and they will get back to you within 24 hours. E-mail is [gpsdro@unm.edu](mailto:gpsdro@unm.edu). The website is almost complete – look for it in the near future.

Mediation training will be held this semester - within 24 hours of announcing the training, it was filled and there is a waiting list for future trainings.

GPS-DRO has convened an Advisory Board: Bruce Noll (COE, Faculty Advisor), Barbara Carver (Associate Dean, OGS), Jean Civikly-Powell (FDR), Art Gonzales (OEO), Jonathan Armendariz (DR), Rita Martinez-Purson (Interim VP for Equity & Inclusion), and Linda Melville (International Advisement).

GPS-DRO thank sBarbara Carver & Charles Fleddermann in OGS for their support and the GPSA Council for funding support.

## FDR Spring 2008 Workshop

### Learnings from Appreciative Inquiry

Appreciative Inquiry is the art and practice of asking questions that strengthen a person's capacities for the positive. Does it have a place in the mediation process?

Jean Civikly-Powell will share her learnings from several appreciative inquiry conferences, and ask you to consider ways in which the principles of appreciative inquiry might be helpful to mediators.

**Presenter:** Jean Civikly-Powell

**Date:** Tuesday, April 1, 2008

**Time:** 12:00–1:30pm

**Please RSVP:** By Thursday, March 28th to [jcivikly@unm.edu](mailto:jcivikly@unm.edu) or 277-3212

## WORKPLACE BULLYING

**Causes, Consequences, and Interventions**  
**Author: Pamela Lutgen-Sandvik**

Pamela Lutgen-Sandvik, Ph.D., Assistant Professor, Department of Communication and Journalism provides a 7-page summary of workplace bullying. Her essay includes a definition of bullying, bullying statistics in the US, and an analysis of its causes, consequences, and interventions for the individuals and the organization.

Lutgen-Sandvik discusses organizational and social dynamics that tend to encourage bullying atmospheres, as well as interventions by both individuals and the organization.

Her article is available on the FDR website. <http://www.unm.edu/~facdr>

**Tell me, what is it you plan to do  
with your one wild and precious life?**

—Mary Oliver