

Attachment 3
Mediation Report 08-09

Date: August 20, 2009

To: K-State Faculty Senate Executive Committee

From: Becky J. O'Donnell, Coordinator

Subject: K-State Mediation Program for Faculty/Unclassified
June 1, 2008 – May 31, 2009

This past year experienced a marked downturn in the number of inquiries as well as mediation requests. I believe the reduced number is due to the increased awareness of the variety of dispute resolution options K-State offers. Additionally, I would credit the valuable work the Ombudspersons and Rusty Andrews, Human Systems Consultant, provide. Resolving issues quickly and at the lowest level result in fewer employees feeling the need to request assistance from the mediation program.

I received eleven inquiries regarding utilizing mediation to resolve a dispute. Eight of these were referred on to an Ombudperson, Rusty Andrews, or Human Resources Employee Relations. In the majority of these inquiries, after meeting with the employee, the employee felt that working with an Ombudperson as the first step would be the appropriate option. Several felt Rusty's involvement would be accepted as less "threatening" by the other party.

Three of the inquiries resulted in mediation requests. All of these requests proved to be extremely difficult cases, requiring a great deal of time meeting with the parties; discussion on the phone, coordinating the actual face-to-face mediation and following-up post mediation.

Two face-to-face mediations were held this past fiscal year.

Employees initially contacting me report that they were referred from a variety of sources: Department Head, Dean, Office of Academic Services, Ombudperson, former Ombudperson, searching the K-State web site and from a friend or colleague.

Nature of issues included:

- Climate of atmosphere within their Department/College
- Conflict between faculty members
- Conflict between tenured and non-tenured faculty members
- Professional behavior
- Anger / personal attacks / lack of respect between employees / bullying
- Rapport & trust issues

- Harassment claims (after investigation by Affirmative Action)
- General inquiry of options for assistance or grievance procedure
- Work/duty assignments
- Communication
- Pay and use of Departmental funds

So far in our current fiscal year, two mediations cases are pending. Both of these are following last year's trend. That being,

- Employee has already explored and utilized other options prior to requesting mediation
- Situation is very volatile or contentious
- Cases will require an increased amount of time
- Cases may very well required multiple mediation sessions to resolve