

# GUIDE-concept for professional handling of conflicts and misconduct<sup>1</sup> at Heidelberg University

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<sup>1</sup>Misconduct includes discrimination, bullying, stalking and sexual harassment. Scientific misconduct is the responsibility of the Commission on Scientific Misconduct.

## Summary

At Heidelberg University, as a place where people research, work and study together, conflicts or misconduct can arise. The university already offers prevention services, confidential conflict contact points and measures so that those affected by workplace-related conflicts as well as discrimination, mobbing, stalking and (sexual) harassment can find support. However, especially at the potential interfaces of the various conflict counselling and handling centres, the processes for conflict resolution are not yet, or not sufficiently, established.

In a participatory, multi-stage process with relevant stakeholders at the university, the current handling of conflicts and misconduct was put to the test over the past two years and a comprehensive system for dealing with conflicts and misconduct was jointly developed. It builds on the existing system, optimises the interlocking and cooperation of the individual units and professionalises existing processes. The aim is to resolve conflicts and misconduct as quickly as possible and without major friction losses and to prevent escalations.

The internal process flow model clearly shows where the person seeking advice is in the confidential area (neutral cases) and where legal action is already taken (cases according to official channels).

The core of the concept is the establishment of an independent office as a central contact point. As a counselling and training facility, it coordinates, documents, and evaluates neutral cases in the confidential counselling area and keeps track of the necessary, often interdepartmental, work steps. The Central Contact Point is not part of the disciplinary procedure. With the structural connection of this central contact point to the central institution "UNIFY - Unit for Family, Diversity and Equality", it experiences independence, freedom from instructions and includes all members and relatives. This means that parallel structures can be avoided, confidential contact points for those affected can be found more quickly and resources can be conserved. Institutions should be able to better exchange information, develop, and implement common professional standards in counselling.

With a professional system for conflicts and misconduct, Ruperto Carola meets the demands placed on international universities with a claim to excellence and assumes a pioneering role among universities of excellence in Germany.

In addition, unfavourable and cost-intensive consequences for the university and its members can be absorbed: Lawsuits and legal disputes, reduced productivity, high medical costs, financial losses due to failed research projects, migration of top scientists, additional costs due to (unnecessary) dismissals and new hires, and negative reputation of the university.<sup>2</sup>

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<sup>2</sup>There are hardly any studies that survey the financial consequences of conflicts at universities. However, assuming rather small differences between conflict costs in companies vs. universities, it can be assumed that conflict costs reach 20 percent of personnel costs. 10 to 15 percent of working time in every company is spent on conflict management.

- 30 to 50 per cent of managers' weekly working time is spent directly or indirectly dealing with conflicts or the consequences of conflicts.
- Absenteeism due to workplace fears and bullying in the workplace costs companies around 30 billion euros a year.
- The costs per bullying case amount to an average of 60,000 euros.
- Fluctuation costs and health costs due to internal conflicts burden companies with several billion euros every year.
- 25 per cent of turnover depends on the quality of communication in the company.
- "According to the survey, failed and delayed projects are the most expensive: Every second respondent spends at least 50,000 euros unplanned per year on them; every tenth even more than 500,000 euros." (1,2 KPMG Conflict Cost Study. The costs of frictional losses in industrial companies [https://kpmg-law.de/content/uploads/2018/07/2009\\_Konfliktkosten\\_Reibungsverluste\\_in\\_Unternehmen.pdf](https://kpmg-law.de/content/uploads/2018/07/2009_Konfliktkosten_Reibungsverluste_in_Unternehmen.pdf))

## 1) Initial situation

Heidelberg University is a place of diversity, where people with a wide variety of (cultural) backgrounds, values and working methods research, work, and study together. Respectful and fair interaction is the basis of daily cooperation. Wherever people come together, and work, conflicts and misconduct also arise - with unfavourable consequences for the university and its members.

The university already offers prevention services, confidential conflict contact points and measures so that those affected by workplace-related conflicts as well as discrimination, bullying, stalking and (sexual) harassment can find support. The aim is to resolve conflicts and misconduct as quickly as possible and without much friction, and to prevent conflict escalation.

Although there are partly legally prescribed interfaces between counselling services, these processes for cooperation in conflict counselling and conflict resolution services are not yet sufficiently established. The variety and diversity of the already existing bodies already brings great benefit, which should be maintained. Therefore, a system for dealing with conflicts and misconduct is to be established that optimises the interlocking and cooperation of the individual agencies and makes the processes more professional.

The present concept is intended to build on what already exists by structuring the services that have so far been widely distributed across the facilities more strongly. In this way, parallel structures can be limited in the sense of conserving resources wherever legal responsibilities or tasks allow this. Those affected can thus find confidential contact points for conflicts more quickly. Institutions should be able to better exchange information with each other, considering data protection, and develop and implement common, professional standards in counselling (case exchange, team supervision, supervision, case documentation). Access to counselling services should be made more transparent and accessible for university members.

## 2) Target group and goals

The target group of the system for dealing with conflicts and misconduct are employees, managers, students, and all members of the university.<sup>3</sup>

The strategic goal is to expand the culture of cooperation at the university, to avoid unnecessary (personnel) costs and to maintain the reputation and competitiveness of Heidelberg University. Starting with the university management, a corresponding culture is to be further developed in order to effectively counter the negative effects of conflicts and misconduct. The conflict management structures named in the concept are accordingly provided with a mandate and necessary resources by the university management.

The goal at the operational level is to create transparency in addition to professionalising the entire procedure for conflict management: low threshold offers for university members and clear contact structures in the event of a conflict should help those affected and those seeking advice to find their way around the structure quickly and confidently. A bilingual organisation chart, also in simple language, shows the relevant structure at the university and helps with questions such as: Where am I in the system? Who are my possible contact persons?

Besides that, a flow chart is intended to make possible paths and processes transparent in order to address the frequent questions asked by those affected: What happens when I turn to a confidential

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<sup>3</sup>according to §9 LHG

conflict contact point? Up to what point can I, as the person affected, decide how to proceed with my concern? Furthermore, the conflict management skills of the university's employees, especially the managers, are to be developed and continuously expanded. Furthermore, the contact persons according to the LHG are to be relieved.

### 3) System for dealing with conflicts and misconduct at Heidelberg University

Conflict management is teamwork, which is why the system for dealing with conflicts and misconduct should be set up as a network that is effective across the university, using and optimising existing resources and interfaces.

Attitude: Conflict management and prevention should be of equal importance. The first step is to appeal to the personal responsibility of each employee, and in a second step to the leadership responsibility of the respective superiors. An attitude that already corresponds to the self-image of Heidelberg University in the Senate Guideline on Partnership.<sup>4</sup>

This is supported by preventive offers and further training on the relevant topics as well as counselling offers by representatives of the respective service units, ombudspersons at the institutes, etc. If conflicts or misconduct arise that can no longer be resolved without "specialist staff" due to their escalation level or protracted nature, the university's professional system for dealing with conflicts and misconduct takes care of them.

The structure and procedures of the system for dealing with conflicts and misconduct are explained below.

### 4) Structure

The process flow model shows an ideal-typical course of conflict management.

#### 4.1 Process flow<sup>5</sup>

Who is responsible and when? When the cases arrive at the Confidential Conflict Helplines, neutral counselling takes place first. Legal expertise for the counsellors can be obtained at this point via The Central Contact Point, while maintaining confidentiality, in order to properly understand the facts of the case and to be able to advise. If it turns out that the person to be advised wants to take legal action, the cases are passed on to D5 or D1 (depending on the facts of the case). In this case, the consensual counsellor withdraws and is no longer involved in the case. If necessary, it will become active again after the non-consensual process has been completed, e.g. if it is a matter of restoring the team's ability to work or similar.

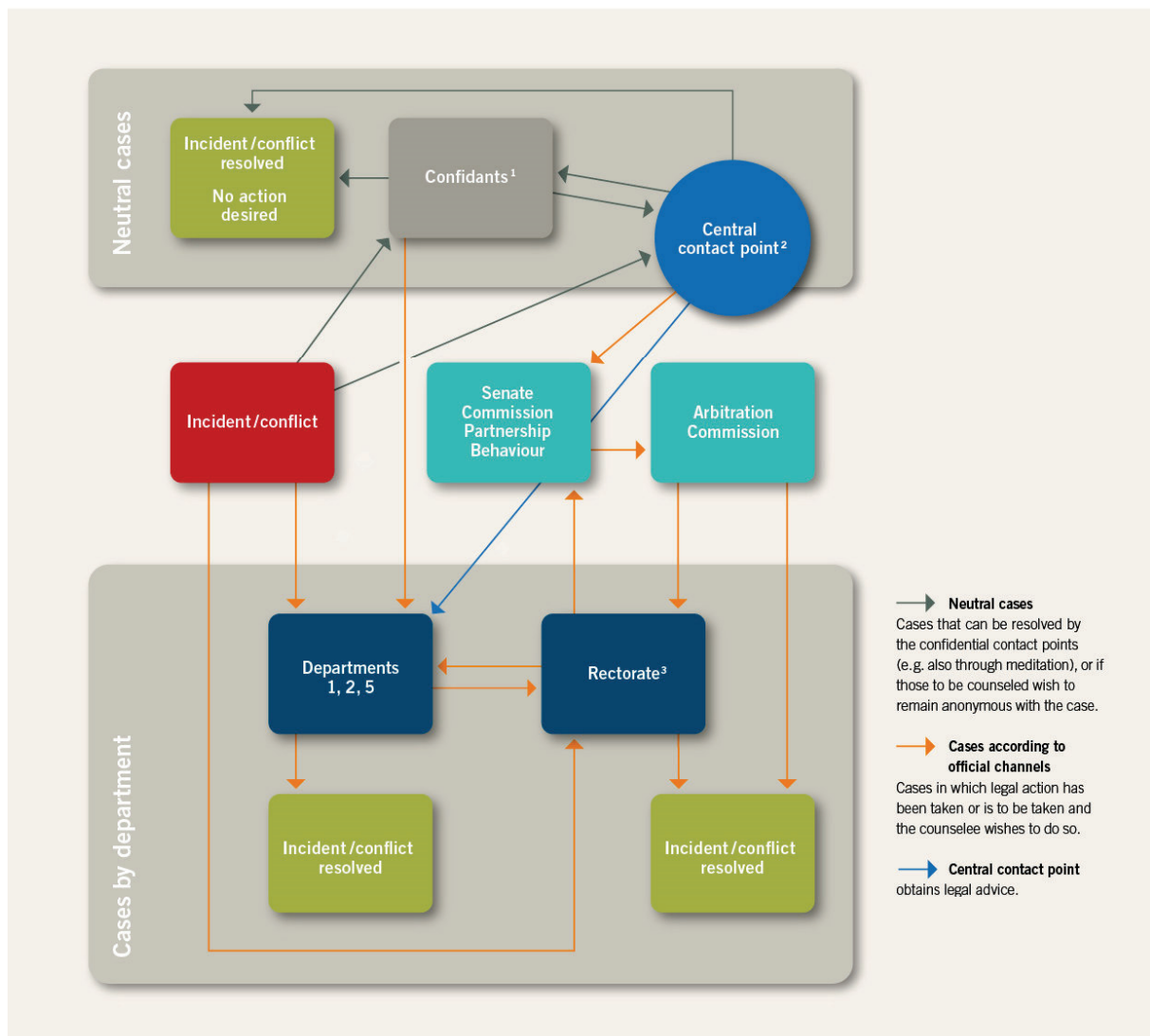
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<sup>4</sup>Cf. <https://backend.uni-heidelberg.de/de/dokumente/senatsrichtlinie-partnerschaftliches-verhalten/download>

<sup>5</sup>Cf. Viadrina model: The conflict management system envisaged is based on the "Viadrina model" and contains six elements: 1. conflict contact points, 2. conflict management, 3. systematic choice of procedure, 4. procedural standards, 5. documentation/controlling/quality assurance, 6. internal-external representation and communication. [https://www.ikm.europa-uni.de/de/publikationen/EUV\\_PwC\\_Studie\\_Konfliktmanagement-Systeme\\_2011\\_DRUCK-V15.pdf](https://www.ikm.europa-uni.de/de/publikationen/EUV_PwC_Studie_Konfliktmanagement-Systeme_2011_DRUCK-V15.pdf)

As shown in the flow chart, the conflict resolution process differs according to whether a case is discussed confidentially (neutral cases) or whether legal action is taken (cases according to official channels).

## PROCESS FLOW MODEL OF CONFLICT MANAGEMENT



### <sup>1</sup> Confidential conflict contact points

(see chapter 4.2)

- Contact persons according to LHG
- Commissioner for Equal Opportunities
- UNIFY
- Staff Council
- Contact person for mediation/coaching (D 5)
- Representative for severely disabled persons
- Representative for disabled and chronically ill students
- Central student counselling, subject-specific student counsellors
- Psychosocial counselling centre of the student union
- School of Education
- Ombuds

### <sup>2</sup> Central contact point

- forwards complex cases to the Senate Commission on Partnership Behaviour according to official channels
- Requests expertise
- monitoring/documentation
- counselling
- coordination

### <sup>3</sup> Rektorate

- initiates legal channels
- ultimate responsibility
- Duty to inform; KUM is involved if a case requires internal or external communication

#### 4.1.1 Consensual /Neutral Cases

##### Definition:

Cases that can be clarified by the confidential conflict contact points (e.g. also through mediation), or if those to be counselled wish to remain anonymous with the case. Responsible: Confidential conflict contact points

##### Process flow:

If a case is resolved in a low threshold manner, the counsellors then pass the case on to The Central contact point for documentation purposes (monitoring) or inform them. If it is unclear to the counsellors who is responsible for the case or if it goes beyond their competence, the case is passed on to The Central contact point, who passes the case on to the right confidential conflict contact points:

If the conflict is intrapersonal, the company medical service will provide psychosocial counselling for the employee, or the psychosocial counselling centre of the student union and the central student counselling service for students.

If the conflict is interpersonal and not relevant to labour law, one of the consensual conflict counselling services will deal with the case (see chart on p. 7), possibly also with the help of external conflict coaches or mediation mediated by HR Development.

The counsellors in the areas of psychosocial counselling centres as well as consensual conflict counselling are subject to confidentiality and should sign corresponding confidentiality agreements. Only they are allowed to exchange information on cases (interview/supervision).

#### 4.1.2 Cases by official channel

##### Definition:

Cases in which legal action/service has been taken or is to be taken and persons seeking advice wish to do so.

Responsible: D5, D2 and D1, as appropriate

##### Process flow:

If there is a conflict or misconduct that is legally relevant under labour law or otherwise, the Internal Procedures/Legal Processes unit deals with the conflict or misconduct.

##### Internal procedures:

Based on the existing and relevant legal foundations, process flows and procedures are presented in an exemplary and transparent manner.

##### Procedures D5:

In order to ensure smooth cooperation between and within the areas as well as clarity of roles for the individual actors, examples of process flows are presented by the individual areas. These processes are not part of the content of this concept, but still need to be defined. They will be developed in interdepartmental working groups, regularly reviewed, and adapted. In addition, the applicable time limit regulations still need to be anchored, especially about the transition from consensual/neutral cases to cases according to official channels.

#### 4.1.3 Complex cases

Definition: Cases that turn out to be very complex, possibly only during the course of the case, i.e. that the types of conflict are mixed, many people are involved, and/or that fall under the responsibility of several people or institutions. In addition, legal action/service may have been taken.

D5, D1, D2, The Central Contact Point, the senate and the rector can pass on cases that prove to be controversial and complex to the senate commission PV6<sup>6</sup> (with the consent of the persons to be advised).

Responsible: The Senate Commission on Partnership and Conduct deliberates and decides whether the complex/disputed case should be settled in the Arbitration Commission (with the consent of the parties to be deliberated). The members vote on this by simple majority.

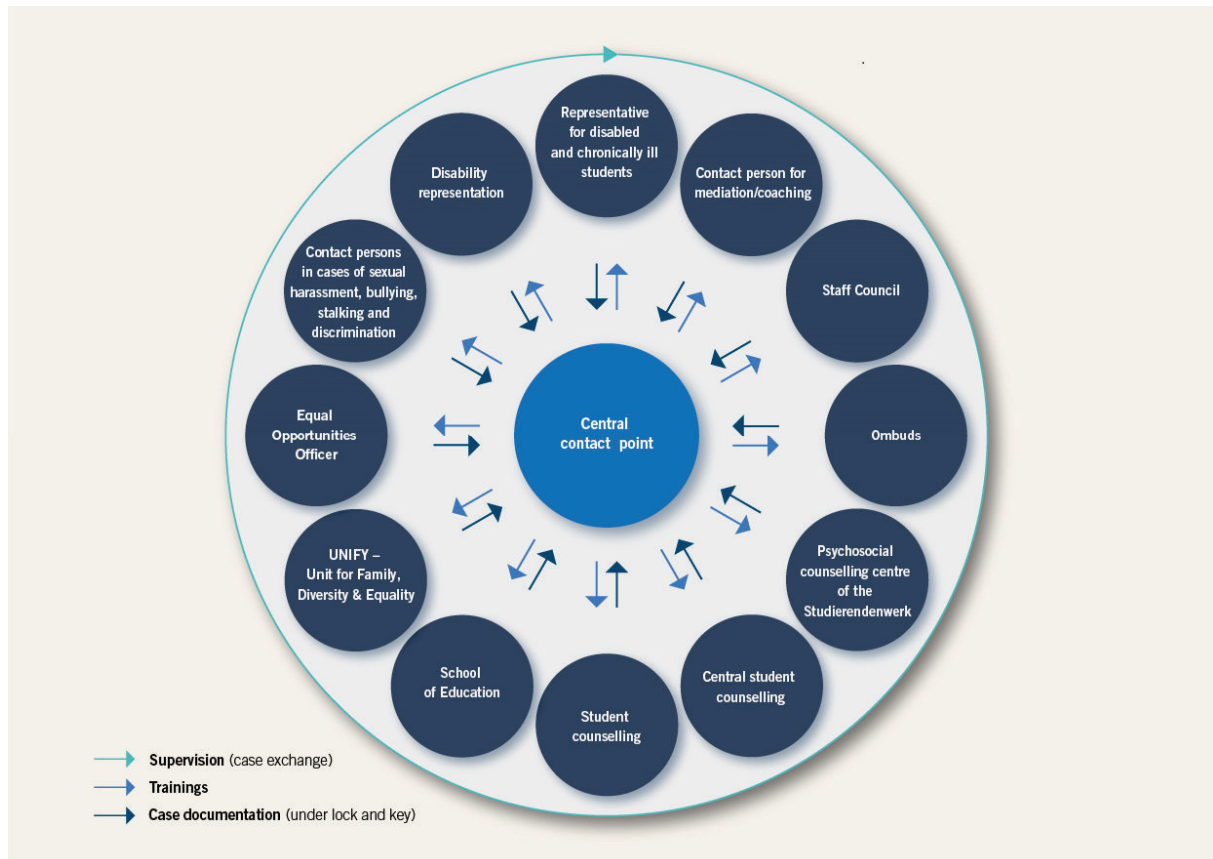
#### 4.1.4 "Arbitration Commission" (independent ombudsman's office)

- Used by the Senate Commission on Partnership Conduct in complex and contentious cases
- Composition of the members in a rolling system, so that there are no personnel entanglements with the case
- Tasks: Clearing, counselling, development of solutions.
- Informs the rectorate, which can take legal action if necessary
  - Personnel law measures (→ D5)
  - Disciplinary measures (→ D5)
  - Measures under higher education law (→ D1)

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<sup>6</sup>Link to the statutes

## 4.2 The role of the Confidential Conflict Helplines



### 4.2.1 The Central Contact Point

The Central Contact Point acts as the steering body of the system for dealing with conflicts and misconduct as well as for all cases of (sexual) harassment, bullying, stalking, discrimination and labour disputes at the university. As such, it is approved by the university's rectorate and given a corresponding mandate. It is supported by a secretariat (central telephone number and e-mail address). The Central Contact Point is to be organised in the form of an office at UNIFY that is not subject to directives.

In addition to its counselling function, the The Central Contact Point is informed in anonymous form by all confidential conflict contact points about new conflict cases and misconduct (counselling centres act in accordance with their legal mandate), coordinates the processing steps, and keeps track of them. She keeps an eye on the systematic choice of procedure and compliance with procedural standards. In addition, after case closure, she is responsible for collecting and storing the case documentation in accordance with data protection regulations and takes care of the evaluation and quality assurance of the system. She reports annually to the rectorate and is involved in optimising the system as well as in external presentation and communication. A division of personnel, e.g. in the form of half a position for the area of coordination/advice and half a position for evaluation, is conceivable.

Furthermore, The Central Contact Point ensures the professional training of all confidential contact points via the Internal Education Programme or HeSKILLS and creates structures for the regular exchange of all participants such as supervision (external) and intervision.

### 4.2.2 The Confidential Conflict Points of Contact

Staff, managers and students should be able to freely choose their confidential points of contact for conflict resolution. Therefore, the various existing access points to counselling remain in place, building on proven structures.



Confidential contact points for conflicts are already in place: Contact persons according to LHG for (sexual) harassment, mobbing, stalking and discrimination, University Equal Opportunities Officer, UNIFY - Unit for Family, Diversity & Equality, contact person for mediation/coaching (D5), Staff Council, Equal Opportunities Officer, Representative for Severely Disabled Students, Representative for Disabled and Chronically Ill Students, Psychosocial Counselling for Students (PBS, Studierendenwerk), Central Student Counselling, Student Counsellors, Heidelberg School for Education, Ombudspersons. These are supplemented by (voluntary) conflict mediators in the individual faculties, who either pass on cases to the The Central Contact Point or intercept low-scaled, light cases.

The confidential contact persons according to §4 (9) LHG should change every two years in the form of a rolling system, whereby the successor (on-boarding) with the current office holder and the departing counsellor (off-boarding) are always in office in parallel for one year in the sense of a handover phase. This also increases the number of counsellors available in cases of sexual harassment, bullying, stalking and discrimination.

All confidential conflict contact points hand over the documentation to The Central Contact Point for storage in compliance with data protection. As soon as a case appears to become more complex, contact is again made with The Central contact point. The Central contact point can pass on these complex service path cases to the Senate PV Commission. If necessary, The Central contact point takes over the "project management" in cases and coordinates the further procedure. This prevents cases from being "lost in the sand" due to unclear responsibilities. In order to be able to perform their tasks adequately, all confidential conflict contact points receive professional and regular training.

Should the respective area determine that other areas also need to take action, a handover takes place among themselves, if not legally regulated otherwise, with the involvement of The Central contact point. This prevents overlapping of resources and diffusion of responsibilities. Exception: This is not possible in compliance with labour law deadlines.

When the system for conflicts and misconduct is transferred into practice, further interfaces to, for example, external providers are defined (associations/ federations, police prevention, guide4you etc.). UNIFY is responsible for the implementation process.

In addition, there should be the option of hiring an external law firm on an ad hoc basis and only via a central contact point. This will create an institution-independent contact point, following the example of the Max Planck Society. Those affected can only be referred to the so-called law firm of trust by The Central contact point in order to receive completely independent legal advice there. The costs are borne by Heidelberg University