

CONFLICT RESOLUTION PROCESSES IN NEW ZEALAND UNIVERSITIES

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Attestation of Authorship

I hereby declare this is my own work and that to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

Signed:

Caroline Day

Date:

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I am grateful for the research studies and articles that have paved the way for me to study and write in this area. Whilst I am the ‘author’ of this study, inasmuch as I have written it, I cannot fully ‘own’ the ideas - they are informed by many, many writers who engaged wrote about this field long before me. I have drawn much comfort and collegiality from these.

Ethical Approval:

Ethical Approval was gained from Auckland University of Technology Ethics Committee (AUTEK) on 13th November 2011, number 11/156.

Abstract

Conflict Resolution (in some places this is referred more commonly as ‘dispute resolution’) is a term that encapsulates those processes and models that are employed in the practise of resolving conflict. The purpose of this study was to discover, describe and examine the ways in which conflict resolution is practised within the universities of New Zealand. While there is much published literature in this field from overseas, there is a notable absence of New Zealand published literature focussed on how conflict resolution is engaged with in New Zealand universities.

There are a small number of practitioners employed in New Zealand universities to offer services to resolve conflict. Using a purposive sampling method, four of these people were approached and interviewed individually about their role and their practice in conflict resolution. These interviews were then transcribed and analysed using a six phase thematic analysis within a constructionist epistemology. Constructionism encourages curiosity and focusses on the ways in which people attribute meaning to their engagement with the world. Constructionism was applied to a theoretical paradigm of postmodern critical theory. This theory rejects one-size-fits-all truth claims and seeks to critically examine the ways in which language is used, by whom, and how this contributes to the ways in which people make sense of their world. This study therefore has a focus on individual participants’ experience of the work in their particular university and examines the factors contributing to this.

The importance of the work and intention of conflict resolution is one that is valued highly by the participants in this study and is also instrumental in staff and students experiencing relief and support from what can often be demoralising and difficult situations. Robust conflict resolution processes can contribute to harmony on the campus and it is therefore important that conflict resolution services have a visible presence and are easily accessible by students and staff.

The study found there are many variations in the work and practise of conflict resolution in the universities represented in this study and that there is most certainly not a one-size-fits-all description that can be applied.

Chapter One

Introduction

This thesis arose out of curiosity about the status and shape of conflict resolution processes in the universities of Aotearoa New Zealand. Conflict resolution ranges from informal processes such as facilitation, negotiation and conciliation, through to mediation, arbitration and, finally, the formal legal process of adjudication (Spiller, 2007). Prior to this study, it was my understanding that conflict resolution processes varied significantly from university to university: that understanding was in part consolidated and in part altered as will be evidenced further in this thesis.

As I embarked on this research, people employed in universities in various roles would enquire what my research area was. My response to this was to say that I was interested in discovering what conflict resolution processes were in place in New Zealand universities. Without exception, the response was something along the lines of “thank goodness *someone* is doing that”, or “that is long overdue” and so on. I took heart from this, not only because it was validating of the worthiness of the study, but also because it confirmed my experience. This is an area that is vastly under-researched in this country.

This introductory chapter includes the following: the intention of this research study; a brief overview of conflict resolution; a brief overview of the processes and models commonly employed in conflict resolution practice; an account of what has brought me into this study and my positioning within it and an overview of the epistemological understandings, theoretical underpinnings and methodology used in this study. It will conclude with an outline of the structure of the thesis.

The intention of this research

The intention of this study is to discover, describe, and examine the range of processes that those engaged in the work of conflict resolution use in this country’s universities. I

discovered as I progressed through this study and in my interviews with the participants, that this ought to include an examination of what it is that contributes to conflict within universities as it became evident that this would contribute significantly to the findings. I believe this adds a multi-dimensionality to this thesis.

To date, there is a dearth of published literature pertaining to conflict and its resolution in New Zealand universities. Spiller (2002), in her article and case study from the University of Waikato, is the *only* New Zealand writer I could access who has written *specifically* about conflict resolution in the university (although a second locally produced article is Verbitsky and Devere's 'peer mediation' in educational settings).

Astor, in Australia, also laments the lack of any "overview" of how universities manage conflict and adds that despite the increase of complex conflict, there is "no study that provides a picture of who handles disputes in universities, what training they have and what methods they use" (2005, p.50). She states that in any year, universities in Australia "spend millions of dollars dealing with disputes" (2005, p.49). It is clear that this is an area that is ripe for research, particularly in Australia and New Zealand. It is therefore my intention to contribute to the existing small body of knowledge in this area. I also revisit this shortcoming in Chapter Two.

Hobbs, in his article published in 1974 on conflict processes in universities, suggests that there are important questions that researchers studying this area should note. This includes researchers discovering how those people in conflict avail themselves of a third party to help manage conflict, and whether that third party is qualified to assist. I think these are important questions for the researcher, and it is interesting for me to note that I had developed questions that encapsulated these ideas into my interviews before I read his article.

It could be argued that universities are in a singularly important position regarding conflict resolution, and perhaps none more so than those universities also engaged in educating in this area. Doelker states what he regards to be an imperative: that universities and "academia practise what it purports to teach in the area of conflict

resolution” (1989, p.158). Volpe and Chandler extend the idea by their coining of the term “pracademic”. This term indicates those people who are both teaching conflict resolution in universities and at the same time practicing it in their university (2001, p.245). I believe recognition for the reciprocity that occurs between the teaching of conflict resolution and the practice of conflict resolution within the university structure is important. This imperative and reciprocity are ideas I held as important before the commencement of the study and which strengthened as the study unfolded.

A brief overview of conflict resolution

Conflict resolution is a process, or processes, which endeavour to accomplish a satisfactory agreement between conflicted parties. Conflict is defined as the unavoidable consequence of a person or persons feeling as though their needs are under threat of not being met (Stanley & Algert, 2007; Harris, 2008). There is a vast body of literature on conflict, including theories of what contributes to conflict. While this is interesting in and of itself and worthy of greater inspection, to focus further on it would distract from the focus of this study.

Conflict resolution as a distinct and specialist field began in the 1950s and 1960s where “pioneers from different disciplines saw the value of studying conflict as a general phenomenon, with similar properties whether it occurs in international relations, domestic politics, industrial relations, communities, families or between individuals” (Ramsbotham, Woodhouse & Miall, 2011, p.3). Researchers located at the University of Michigan between 1956 and 1971 endeavoured to “develop a comprehensive scientific theory of human conflict” in order to form a profession. This gave rise to the first journal in conflict resolution as well as a university research centre (Harty & Modell, 1991).

The first university to respond to student discontent was Michigan State University, which began experimenting with campus ombudspople in 1967. By 1971, there were ombudspople employed in sixty-nine universities in the United States and in 1979 the University of Hawaii began to develop the first campus-based mediation programme

(Warters, 2000). It is difficult to discover which university in New Zealand was the first to offer conflict resolution processes. However, Massey University began a mediation service in the mid 1990s and developed grievance procedures, with mediation as the preferred option, in 1995.

So-called 'traditional' processes for managing conflict - those offered by judicial and litigious means - began to be questioned in the early 1970s as increasing dissatisfaction borne of a failure "to provide sufficient opportunity for dialogue among affected contending parties" became evident (Stephenson & Pops, cited in Mills, 1991, p.17). In the 1980s and 1990s, various organisations became increasingly aware of the importance of developing their own mechanisms for resolving conflict as these processes allowed for the parties to a conflict to be directly involved in its resolution, by having an opportunity to articulate concerns, insist on change or defend a position (Alcover, 2009).

In the United States this was the precursor to the alternative dispute resolution (ADR) movement – with a particular focus on mediation and arbitration as the processes that would hopefully reduce the ever-increasing pressure on the judicial system (Turan & Taylor, 1997). From that time, ADR has gained in popularity and usage around the world as organisations discovered that there was a "50-80% reduction in legal costs" by using ADR to resolve conflict (Byron, Holmes, Steckol & Yager, 2002, p.57).

ADR is defined as those processes that aim to resolve conflict outside of litigation (Byron et al., 2002; Turan & Taylor, 1997). Spiller states that "alternative dispute resolution processes exist alongside the adversarial adjudicatory process" and in fact processes like negotiation, conciliation and mediation are regarded increasingly as processes to exhaust first before turning to adjudication as a "last resort" (2007, p.217).

A brief overview of conflict resolution processes and models

As mentioned earlier, the practice of conflict resolution encapsulates a number of processes. These include negotiation whereby the persons concerned with an issue

discuss “their positions, needs and interests in order to find a positive, realistic and wide-ranging solution” (Spiller, 1999, p.23); conciliation “assisted negotiation in which a third party termed a conciliator” intervenes; facilitation – a wider process encompassing “a range of processes for chairing public meetings and helping groups identify and solve problems” (Spiller, 1999, p.59) and mediation, a process which “is not easy to define” as it “does not provide a single analytical model which can be neatly described and distinguished from other decision-making processes” (Boulle, Goldblatt & Green, 2008, p.3). It is, however, most often characterised by use of a third party - the mediator – who assists parties to come to a mutually acceptable outcome. The most formal of the informal ADR processes is arbitration - a process where an external person is employed to “make a decision that will be binding on at least one of the parties to a dispute” (Hebein, 1999, p.89). Although it is tempting to regard each of these processes as discrete, there are in fact many variations and combinations of these processes.

Mediation, for example, has a variety of models including facilitative, problem solving; transformative and narrative (Spiller, 1999; Spiller, 2002). Combinations include processes such as mediation-arbitration, commonly known as “med-arb”. This process starts with mediation. However, if an agreement is not reached, the mediator will “change roles and become a decision-maker” (Spiller, 1999, p.125). This process has advantages, including avoiding lengthy resolution processes.

Other processes to help resolve conflict include peer mediation, a model where students are trained to facilitate student conflicts (Jameson, 1998; Verbitsky & Devere, 2007). This model is widely employed in schools and is also utilised in universities around the world, including Dundee University in Scotland.

Reading, thinking, practise, and experience have shown me that universities commonly employ either facilitation or mediation in the resolution of conflict. Or at least, what sounds and looks like these processes. Various universities call them by different names. I will enlarge upon this further in subsequent chapters.

My background, positioning and interest in this study

I come to this study from a number of positions. My ‘professional story’ includes undergraduate training in counselling followed by postgraduate training in counselling supervision. Parallel to this training was my practice as both a counsellor/family therapist, counsellor/mediator for the Family Court and supervisor of practitioners in practice. My furthering of interest in mediation began with a postgraduate mediation paper, and continued into the mediation practise for the court. Simultaneous with this I took up employment at a university in New Zealand and I enrolled in a Master of Arts (Conflict Resolution) and began studying for this qualification. Despite being employed in a university and having an interest in this area, I had been unsure what particular processes universities had for managing conflict, other than grievance and disciplinary processes. It appeared to me that these processes seemed more visible and accessible to people within the university than any other responses to conflict and I wondered why that might be so.

Conversations with colleagues engendered reading, thinking and wondering about the ways in which universities deal with the conflicts they encounter - whether that is student-student conflict, student-teacher conflict (and vice-versa), teacher-teacher conflict and so on – and the processes, thinking and importance that might be attached to this.

I am, therefore, in what I believe to be a unique position in terms of this study: that of practitioner, researcher, teacher and employee in an organisation the likes of which are informing this study. I bring my biases, prejudices, interests and worldview to bear also. Along with this ‘unique position’, I am a female Pākehā New Zealander and I am therefore representative of a dominant, white, western worldview. I am cognisant that these contribute to inhabiting various discursive positions: an ‘insider knowledge’ position, a ‘professional knowing’ position and also a ‘white western privilege’ position. These multiple positions have invariably produced effects. One of those effects has been to be mindful of the importance of maintaining vigilance over assuming shared meanings between the participant being interviewed and myself. Curiosity has assisted

me with this and curiosity is also important in terms of the constructionist epistemology informing this study. I therefore reminded myself to remain as close to the participants' experience as I could. I write further about these positionings later in this thesis.

Reciprocity between my worldview, the epistemological understandings, the methodology and an appropriate method for this thesis was of paramount importance to me. In my practice I describe myself as someone who practises within a worldview informed by constructionism and, within that, an attention toward social justice. As a result of this, I was initially drawn to discourse analysis as the method I would apply to the analysing of the data in this study. I quickly discovered that this would result in a much larger thesis than I had envisaged. Furthermore, it would necessarily shift the focus into areas which, while of interest to me, would diffuse the intention for this study – to focus on what it is that staff engaged in the practise of conflict resolution are *actually doing*, rather than an examination of the discourses and ideas influencing the practice. That is part of another study in the future! It was then, in conversations with colleagues and in reading and thinking further, that I decided upon thematic analysis as the methodology to analyse the data within the epistemological understanding of constructionism. Theoretical understandings are informed by postmodern critical theory.

An overview of the epistemological position of constructionism

Crotty describes constructionism thus: “meanings are constructed by human beings as they engage with the world they are interpreting” (1998, p.43). He adds that constructionism concerns itself with a focus on the “collective generation and transmission of meaning” (p.58). This implies that meaning-making is influenced by the culture in which we find ourselves and not a result of an individual meaning-making. In this way constructionism can hold both the limits and the freedoms of the ways in which meaning is attributed to the world and, in this way, can be viewed as fostering a critical stance (Crotty, 1998). One of the underpinning assumptions in this research is, therefore, that meaning-making is influenced and produced by the contexts - institutional; racial; socio-political/economic and gender - that we occupy and that we, as occupiers of those contexts, construct meaning accordingly. Constructionism

informed not only the questions I developed, but the ways in which these were asked of the participants.

Postmodern critical theory concerns itself with an attention to language and how language positions people. Postmodernism argues that “words carry intentionality” which can act on people in ways that produce harassment, disparagement and marginalisation (Bagshaw, 2001, p.207). There are resonances within this of social justice, and for this I turn to Paulo Friere, who saw that education was a means with which to liberate the oppressed (1972). This theoretical position informed my interpretation of the findings from the data. I write more fully on these later in this thesis.

An overview of thematic analysis

As stated elsewhere, congruence between my worldview, my practice and this research, is of paramount importance. This necessarily extends to the methodology for this study – the lens through which I analysed the data.

Thematic analysis appealed for several reasons. It offers a flexibility – a method “essentially independent of theory and epistemology” and which can actually, be “applied *across* [sic] a range of theoretical and epistemological approaches” (Braun & Clarke, 2006, p. 78). It would not make any sense, given my preferred epistemological position, to approach the task of analysing the data as one in which I was oriented toward some essentialist understandings of conflict resolution, or indeed where the ideas I already held about conflict resolution were necessarily ‘the truth’. I wanted to position myself with curiosity and openness and to detach myself from preferred outcomes.

The process of thematic analysis concerns identifying those themes through “careful reading and re-reading of the data” (Rice & Ezzy, 1999, p.258). To me this means that the themes do not emerge from the data in a passive manner, but that I am an active contributor to the process of identification. I bring the positions I wrote of earlier to the

engagement with the data which, in turn, influences my selection of the themes. I discuss thematic analysis further in this thesis.

Structure of thesis

This study is comprised of eight chapters; this introductory chapter, which has included the purpose of this study, a brief overview of conflict resolution, a brief overview of the processes and models used in conflict resolution, an account of what has brought me into this study and my positioning within it; and an overview of the epistemological and theoretical understandings underpinning this thesis.

Chapter Two focusses on a review of literature pertinent to this study with an emphasis on conflict resolution in the university setting. Chapter Three presents the research design with detailed discussion of the epistemological assumptions, theoretical underpinnings and methodology underpinning this thesis, as well as a description of the method employed in the gathering of the data. Additionally, reflexivity and rigour, ethical considerations and the Treaty of Waitangi – *te Tiriti o Waitangi* – are elucidated.

Chapters Four, Five and Six concern themselves with analyses of the data. Chapter Four focusses on the major theme of organisational culture and structure with sub-themes of policy and perceptions of conflict and its resolution in the university. Chapter Five presents the second major theme of the study - the role of the conflict resolution practitioner. There are four sub-themes, which include title or ‘what shall we call you?’, limitations and challenges of the role, training and experience and culture, biculturalism and the Treaty. Chapter Six presents the third and final major theme of the work and processes of the conflict resolution practitioner in the university. The two sub-themes are processes and models used in the resolution of conflict and professionalism.

Chapter Seven offers a discussion of the findings. Chapter Eight concludes this thesis with a summary of the key findings, limitations of this study, the impact of the study and research implications.

Chapter Two

Literature Review

This chapter will focus on conflict resolution within the university from an historical perspective to the present day. The chapter will conclude with a further elucidation of those processes and models commonly used in the practice of conflict resolution, which was begun in chapter one. I will, however, focus on those processes most commonly used within universities.

Conflict resolution in the university

“Conflict is inevitable in higher education, where academic freedom is revered and free thinking is encouraged” (Holton, 1995, p.79).

Over time, universities have been variously described in terms of structure as organised anarchies (Cohen & March, 1972), bureaucracies (Stroup, 1966; Baldrige, 1971; Blau, 1973; Cullen, 1978), a community of scholars (Millett, 1962), a “multiversity” (Kerr, 1963), an establishment organisation (Wolff, 1969), a professional organisation (Satow, 1975) and a “loose coupling” (Weick, 1976). Leslie viewed the university as a “social system” with “social structures” (1972, p.704). He believed that, within this social system, there were hierarchies, within which power is unevenly distributed and it is within these that the origins of conflict could be found. Barsky further elaborated these ideas when he proposed the idea that “universities present an interesting setting for the analysis of conflict because of their unique organizational [sic] structures” (2002, p.161). He stresses the importance of the influence on conflict from the hierarchical structure coupled with “an ethic of academic freedom” which, in and of itself, creates opportunity for conflict (p.161).

Along with recent global trends to situate universities within a corporate model in both attitude and performance, there has necessarily been a shift in focus from the more popular view of university as a “community of scholars” (Harris, 2008, p.94). There have been studies on the conflicts and effects that this change in approach have

generated (Astor, 2005; Johnson, 2006; West, 2006). However, it is widely acknowledged that universities are now generally regarded as subject to competing demands from a “wide range of stakeholders” (Spiller, 2002, p.129). One thing is clear from the literature: there is no one single “homogenous academic culture” (Harman, 1990, p.36; Clark, 1983; Becher, 1984).

Universities tend to be a reflection of the socio-economic and political contexts in which they are located, with the result that universities are now characterised by diversity. This in turn creates disagreements borne of differing worldviews, values, and beliefs. Additionally, competition among departments and personnel for resources, conflicting and competing objectives, conflicts of interest and the sheer variety of programmes generates conflict (Holton, 1998; West, 2006; Harris, 2008). As universities have become increasingly influenced by their socio-political contexts and subject to governmental funding limitations, they have at the same time become more vulnerable to the prevailing “external, political, economic and demographic variables” that impact on decision-making processes (Barsky, 2002, p.162). It is argued that these changes in structure give rise to an intrinsic conflict (Harman, 1990; Klingel & Maffie, 2011).

In the United States, prior to the 1960s, there appears to have been if not an acceptance, then certainly a tolerance, of conflict in universities. Klingel and Maffie suggest that there were aspects of the university structure that might have contributed to this tolerance. They cite factors such as higher-than-average levels of autonomy including often working alone, “weak intra- departmental ties” which allowed for a withdrawal behind “office doors when conflicts arise with their peers”, and university policies and procedures that fostered “collegiality and consultation” as contributing to a “live and let live philosophy” with conflict (2011, p.12).

These same authors suggest that the limits of that tolerance toward conflict were reached during the 1960s and 1970s within the context of the protest movement. Throughout campuses in the United States there were many disputes over issues such as “pay equity, race relations and curriculum content” along with wider political issues

such as anti-war protests and that resulted in universities utilising internal staff to help resolve the conflict (2011, p.13). During the 1970s some universities developed formal on-campus grievance processes for conflict. These were further elaborated with other ADR processes including ‘ombuds offices’ which were being experimented with in the late 1960s at the University of Michigan (Warters, 2000) - see a further discussion of ombudspeople later in this chapter. In the 1980s many public universities also developed academic departments dedicated to conflict resolution (Klingel & Maffie, 2011).

In overseas literature, conflict within universities has been explored from various theoretical perspectives including economics, political science, social theory, organisational theory and psychological theory. Barsky’s ethnographical study from 2002 explores these wider issues in relation to how conflict is experienced in universities, while Kenny (2009) provides an overview of university management structures including a call for inclusion of more collegial-based practices to enhance cooperation and, therefore, minimise some conflict.

Harman (1990) and Warters (2000) argue that universities have three consumer groups - students, academic staff and administrative staff - and that the differences and competing interests between these groups allow for conflict. Ostar (1995) adds that each of these three groups claim ownership of resources: academic staff, through the belief that the primary goal for universities is to educate; students, by their payment of fees and because without them a university could not function; and administrative staff by virtue of policies and procedures, including budgetary and hiring and firing decisions.

It was not until 1989, that Doelker, in his research of available literature, found little had been written on conflict in “higher education” despite universities being as disposed to conflict as any other organisation and despite the usage of conflict resolution processes in many universities (p.158). Volpe and Witherspoon agreed with this and stated “theoretical and empirical literature on the handling of campus-based conflicts” was still in its “formative stages”, including those conflicts arising from cultural diversity (1992, p.341). Since then, however, there has been substantial research

conducted overseas, primarily out of the United States, on conflict resolution in their colleges and universities (Warters, 2000; Schrage & Giacomini, 2009). Universities have prioritised conflict resolution in various ways, including Boulder University Colorado's initiative 'conflict resolution month', to highlight awareness of this issue along with their programmes in "Peace and Conflict Studies" and a "conflict information consortium" (www.conflict.colorado.edu). Closer to home, the University of Otago's National Centre for Peace and Conflict Studies, founded in 2009, is "New Zealand's first Centre to combine global cross-disciplinary expertise on the issues of development, peace-building and conflict transformation" (www.otago.ac.nz/ncpacs). While these initiatives, and others like them, are located within universities, the focus is on conflict resolution in its wider application, rather than a specific emphasis on conflict *within* the university.

Astor states that disputes in Australian universities cost millions of dollars each year. It is, therefore, imperative that universities find ways to effectively manage conflict. In an era of competition for funding, resources and students, as well as "financial stringency", universities can "ill-afford the extensive resources expended on major disputes or any damage to their capacity to earn income" (2005, p.49). Stanley & Algert (2007) and many others (Holton, 1995; Spiller, 2002; Astor, 2005) state "conflict in the university is an inherent component of academic life" (p.49). Regardless of this, and as previously mentioned, there is lamentably little 'local' - Australian or New Zealand - research on conflict resolution in universities. I am unsure what to make of this.

Processes and models used in conflict resolution in universities

Universities around the world describe and engage in the work of conflict resolution by a variety of descriptions, processes and methods. These variations are dependent on a number of factors including the job description and title/s given to the persons engaged in the work; the ways in which conflict and its resolution is described and regarded; and even the department within which conflict resolution staff are located.

It is worth mentioning the title ‘ombudsperson’, which is a common role in universities around the world – not however in New Zealand. It is only in New Zealand, under the Ombudsman Act 1975, that there are “strict legislative guidelines on the use of the title ‘ombudsman’” (Stuhmcke, 2001, p.182). This means that the term is not available to be used outside of specific government legislation. Ombuds offices are independent of specific university faculties and this independence is regarded as vital and central to the service (Griffin, 2002). In the United States, “many universities have established ombuds [sic] offices to provide an internal grievance mechanism for students to pursue conflicts” (Harrison, 2007, p.350). Holton suggests that “ombuds programs [sic] are perhaps the most enduring and successful model for resolving campus conflicts” (1995, p.76) for those reasons cited above. In the United States a typical ombuds office has the following purposes: disseminating information, providing assistance to those people approaching them for help, identifying and conveying trends in conflict and making recommendations to appropriate bodies (Griffin, 2002).

Additionally, ombudspeople are commonly associated with conciliation, the least formal ADR process. Conciliation requires an impartial negotiator to go “back and forth between the parties trying to arrange a compromise” (Hebein, 1999, p.90). The whole process can be resolved with or without the parties meeting, unlike other ADR methods. For a conciliation to be successful, parties to a conflict need to have a willingness to compromise in order that a mutually acceptable agreement can be reached.

Peer mediators and the process of peer mediation as mentioned in chapter one, is commonly used in schools (Turan & Taylor, 1997; Verbitsky & Devere, 2007; Klingel & Maffie, 2011). Overseas, peer mediation is utilised also in universities such as the University of Southern California and Indiana State University in the United States and the University of Dundee in Scotland, which is one of the very few universities in the United Kingdom offering peer mediation to its students. Closer to home, the University of Auckland on its website in August 2012, advertised the development of a peer mediation pilot programme, with a link to the Arbitrators’ and Mediators’ Institute of New Zealand (AMINZ) webpage stating:

The course, the first of its kind in New Zealand and possibly the first in any University in the world, has provided training for peer mediators, who are now eligible to apply to become nationally certified (by the Arbitration and Mediation Institute of New Zealand).

http://www.aminz.org.nz/Story?Action=View&Story_id=1573

This process is described variously as “a negotiation-based strategy that teaches student mediators alternative strategies to help resolve conflict among their peers”

(www.indstate.edu) and a process that “occurs within a cohort-based framework”

(Verbitsky & Devere, 2007, p.2). It is important to distinguish between the relatively informal process of peer mediation and other procedures to address conflict resolution that exist in universities.

Mediators, and the process of mediation is, according to the literature, far and away the most preferred model in use in universities. The importance of, and preference for, mediation and the prevalence of it as an ADR process in universities is indisputable in the literature (Doelker, 1989; Volpe & Witherspoon, 1992; Warters, 2000; Harris, 2008; Klingel & Maffie, 2011). Warters, in a survey from 1981 showed that approximately 370 colleges and universities in North America had some kind of third party intervention - primarily mediation - for student grievances. Holton states that in the United States “more and more colleges and universities are setting up mediation programs [sic]” (1995, p.36). One of the primary reasons for this is to save money. Mediation is far cheaper than litigation and universities are keen to avert disputes from becoming litigious. Spiller mentions “there is a considerable amount of mediation practice in western universities and increasing recognition of its usefulness” (2007, p.129).

Mediation is a process which “involves the assistance of an acceptable, impartial and neutral third party” (Turan & Taylor, 1997, p.6) and, moreover, a third party who has no jurisdiction to impose decisions or outcomes on parties. Spiller describes it as a “consensual process” where parties in conflict meet with a ‘go-between’ to discuss the conflict – the issues and the effects on the parties of those issues (1999, p.57).

There are, however, also challenges for mediation in universities. These include difficulties with evaluating the usefulness of mediation, partly due to requirements of confidentiality in mediation processes. This affects the ability to measure the effectiveness and worth of conflict resolution, which in turn makes it “more difficult to prove to university officials” that mediation makes a difference (Klingel & Maffie, 2011). Additionally, changes in resourcing has resulted in diminished funding and this, along with changes in roles for conflict resolution staff, results in a lack of continuity and lessening confidence in the service (Daniel, 2009).

A further challenge is one of accessibility. Not all people working and studying in universities are accessible, including those groups who are deemed at risk for experiencing conflict. Klingel and Maffie, in their study from 2011, identified graduate students and post-doctoral researchers as being in this grouping, along with people in ethnic minorities. The terms ‘mediation’ or even ‘conflict resolution’ can imply a formality and can influence perceptions about mediation as being too formal. Personal attitudes to conflict can also act as a barrier to seeking help. Some universities have chosen to re-name the processes they use in conflict resolution. McCarthy notes that “many educators are reluctant to acknowledge the presence of specific conflicts involving them on their own campuses” (1980, p.1). Descriptions such as ‘coaching’ and ‘facilitated discussions’ are viewed as more in keeping with university values of cooperation and could also act as encouragement to people to approach others directly in order to resolve conflict (Klingel & Maffie, 2011).

Universities need to carefully consider which model is appropriate to use in the resolution of conflict. As Byron et al. state “what colleges and universities need is an explicit agreement among members of their communities regarding the process used to resolve conflict” (2002, p.58).

Arbitration, the most formal process on the continuum of ADR processes, is the last step before litigation. Arbitration, like mediation, also includes the use of a third party to mediate an outcome although, in arbitration, the arbitrator has some authority over the final outcome (Holton, 1998). This outcome is regarded as binding on at least one of

the parties to the dispute and can therefore result in win-lose scenarios and further deterioration in the parties' relationship. Furthermore, unlike mediation, where both or all parties to a conflict consent to mediation, arbitral processes do not require consent from either party in order to proceed (Hebein, 1999). Stieber notes that in the United States in the 1980s, arbitration was "almost exclusively confined to faculty and staff grievances, where there are collective bargaining contracts or disputes over new contracts" (1982, p.6). Hebein states that only some campuses now include arbitration in their formal conflict resolution processes, because it is seen as adversarial, particularly binding arbitration (1999). In somewhat of a contrast, Astor (2005) describes arbitration as being an appropriate method for those conflicts that are inappropriate for facilitative processes. These include cases where there is unwillingness to compromise or where persons are not able to negotiate effectively on their own behalf, including employment terms and conditions.

Of the language used to describe conflict, harassment is common (Rowe, 1990; Fitzgerald, 1992; Harper & Rifkind, 1992). Harassment is described as "offensive, intimidating or hostile behavior [sic]" (Rowe, 1990, p.163) and is responded to in various ways according to the context in which it has occurred, including the person experiencing harassment doing nothing or approaching the 'harasser' directly or bringing the issue to the notice of relevant people within the university. In New Zealand, harassment tends to encompass any unwanted behaviours including bullying and/or sexual or racial harassment. Universities have a variety of ways of responding to this including formal warnings, mediation, referral to police, and claims raised under the Employment Relations Act (2004), (McCulloch, 2010). In the United States it has been estimated that significant numbers of both men and women experience serious harassment every year (Rowe, 1990), but fewer than one percent of those follow up with a complaint. There are myriad reasons for this. Some of these include that people decide to directly approach the person causing the harassment, people leave their jobs or 'put up with' the situation, others do not report through fear of unwanted consequences such as being viewed as a 'troublemaker' or that things will get worse if it is reported (Rowe, 1990).

Within tertiary education there is a need to regard conflict in a systemic way: where conflict exists in one part of the university it will produce an effect throughout the whole institution. A systemic approach would mean that this was recognised and, moreover, that all parts of the system were engaged with the resolution of conflict (Holton, 1995).

Summary

This chapter has provided an historical overview of western universities and the various structural configurations ascribed to them over time. An overview of how conflict within those universities has developed over time also been presented. Processes and models commonly used in the resolution of conflict in universities was discussed including roles within these. Ombudspeople is a term that only applies in universities outside New Zealand; other models commonly in use overseas are also utilised here, including peer mediation, mediation and arbitration. These models have been presented along with some of the advantages and disadvantages of these. It is evident that universities that are located in western, liberal democracies, currently utilise a range of processes on the ADR continuum, from conciliation through to arbitration in the attempt to resolve conflict.

Chapter Three

Research Design

Firstly, this chapter will present in closer detail the epistemological underpinnings of this study: constructionism and postmodernism. This will be followed by a discussion of the theoretical contributions. While this study is informed by postmodern critical theory, I will however firstly outline critical theory, in order to provide a sense of the historical foundations and developments that have informed postmodern critical theory. Postmodern critical theory and its applications and connections with conflict resolution and social justice are then presented followed by a discussion of the methodology - thematic analysis. Method, sampling and data gathering will then be discussed along with reflexivity and rigour. Lastly, the chapter will include ethical considerations and Treaty of Waitangi - *te Tiriti o Waitangi* - commitments. It will conclude with a summary.

Epistemology

Constructionism and postmodernism

The importance of a paradigm in research is to enable a particular sense to be made of the analysis and the findings. There are, therefore, particular assumptions and beliefs that inform this study and I discuss these further below.

Constructionism as a worldview concerns itself with meaning-making rather than seeking to discover an objective reality. Denzin and Lincoln describe its applications to research as attempting to “make sense of, or interpret, phenomena in terms of the meanings brought to them” (1994, p.2). Crotty describes it as meaning not being inherent to something, but discovered and constructed by humans in relation to the something (1998). Regarding this research, the research question arose in the context of my interest and curiosity in and for the state of conflict resolution processes in New Zealand universities. Even the term ‘conflict resolution’ is constructed. Its meaning/s is/are called forth within a context – whether that context is historical, structural, political, organisational *et cetera*, meanings will vary.

Bercovitch, Kremenyuk and Zartman (2008) describe how, through constructionism, people and structures exist in relationship. The university as a structure is therefore, in relationship with its people and *vice versa*. This relationship is both interdependent and co-constitutive; the people within the university affect the university through their beliefs and actions; similarly the university affects the people within it by shaping their identities. For the purposes of this study, then, I wondered how universities and the practitioners within them might construct the work of conflict resolution and how each practitioner might engage with the work: what meanings does each bring to the practise and what might be the effects of these meanings on the work? For it is through language that people construct and attribute meaning to their lived experience.

Constructionism has its roots in postmodernism and its rejection of “rational, autonomous subjects, totalizing [sic] discourses and foundationalist epistemologies” (Denzin & Lincoln, 2000, p.539). Postmodernism rejects certainty and accepts that singular truths are invalid as truth is produced and reproduced according to political, social and historical discourses (Foucault, 1972). Additionally, it offers a scepticism of objectivity (including my own) and a critique of central constructs in conflict resolution such as neutrality (Menkel-Meadow, 1996). Constructionism and post-modernism position me not as a detached observer but rather as a person who is shaping the data and therefore contributing to the study findings. At times, my voice needs to be made available and visible in the research, however my voice should not be central to the study. That could de-centre the participants and work to privilege my knowledge over theirs. That is most fervently not my intention. Conflict and its resolution in the university within a postmodernist constructionist epistemology is therefore understood, for the purposes of this study, from the above perspective.

Postmodernism’s claim that where truth is asserted, so too is power, speaks to me of the importance of allowing for multiple perspectives to be held: ergo, there are no definitive truth statements to be made about this research topic. There are instead myriad interpretations that could be made based on contextual influences such as gender, ethnicity, experience, worldview and the temporal, political and cultural dimensions this study is produced within. Postmodernism’s attention to multiple realities, power and

reflexivity is important to me as I consider the ways in which these influence this research. I write more about power and reflexivity later in this study.

Theoretical orientations

Critical theory and postmodern critical theory

Historically, Marx is regarded as the originator of critical theory (originally named Marxist theory) in the middle of the nineteenth century. In an examination of societal structures and critiquing of the capitalist system within this, critical theory claimed that the so-called lower classes were dominated and subjugated by the upper classes who, through their wealth, controlled resources and the distribution of those resources through political, ideological and economic power (Hansen, 2008, p.404). Marxist theory was reframed as radical theory toward the middle of the twentieth century. The civil rights movement used tenets of this radical theory to highlight unfair practices in both organisations and structures. Theorists and writers such as Foucault (1972) and Freire (1972) contributed greatly to the principles informing radical theory. Foucault examined power and language and challenged ideas such as neutrality and objectivity, while Freire concerned himself with oppression of the poor and under-privileged, highlighting the importance of education in the quest for social justice.

Foucault believed that the ways in which things were languaged, and by whom, “determines how social phenomena were named and discussed” (Foucault cited in Rubinow & Rose, 1994, p.35). This also contributes to the ways in which power is constructed and maintained through language and discourse. As a result of this thinking, Foucault saw that there was potential for discourses to be changed through language and, hence, society could be changed, which was in contrast to Marx’s ideas on change through revolution.

Freire is one of the foremost writers on oppression and issues of injustice. In his seminal work ‘Pedagogy of the Oppressed’ he writes of the importance of dialogue not being “reduced to the act of one person’s ‘depositing’ [sic] ideas in another, nor can it become a simple exchange of ideas to be ‘consumed’ by the participants” (1972, p.61). I sought

to conflate Friere's 'dialogue' with the interview process and I write further about this when I discuss the interview process further in this study. Suffice to state here that it reminded me of the importance of not imposing or influencing how the participants might make sense of my questions. Freire also recognised the connections between the subjective and the objective by stating reality is not only the objective fact but also what people make of it (1972). Further, other ways in which this is pertinent to this study, includes critical theory's critique of structure in society, which maintains power inequities and seeks to "expose instances which constrain and oppress certain groups while giving unfair advantage to others" while creating more democratic workplaces (Voronov & Coleman, 2003, p.173). Critical theory also emphasises reflection and critique; two important considerations informing this thesis.

Postmodern critical theory is informed by both constructionism and postmodernism along with the principles of critical theory explained above. It could be argued that critical theory and postmodernism have "had a number of fundamental disagreements" (Voronov & Coleman, 2003, p.172) including a seemingly at-odds ontological difference. Critical theory arose from a realist knowable world-out-there in contrast with postmodernism's ontological position of the opposite: there is no objective knowable reality.

There are, however, a number of writers since the mid-1990s, who have written about the connections between critical theory and postmodernism (Deetz, 1995; Alvesson, 1996; Mumby, 1997). Kincheloe and McLaren outline common-to-both ideas such as the inevitable and inescapable presence of power relations in relationships, that relationships between language and meaning are not fixed, and that language itself is the primary way people make sense of the world ((Kincheloe & McLaren, cited in Crotty, 1998).

I am applying postmodern critical theory to this study through its shared examinations of language and its uses: critical theory through its political lens and postmodernism through its analysis of power and the ways in which language is used. Additionally, both are inherently and "sometimes vigorously [sic] political" (Agger, 1991, p.106).

When a postmodern lens is applied to critical theory, and the subsequent “veil of privileged truth is lifted” there is space for hearing other voices, particularly those of the marginalised, oppressed and challenged (Agger, 1991, p.107).

Postmodern critical theory, conflict resolution and social justice

Conflict resolution through a postmodernism lens concerns itself with the constitutive nature of power, language and meaning, and might even ask ‘why conflict resolution?’ It is entirely possible, however, to examine and critique conflict resolution in the university, while at the same time hoping that it might not be needed. (As an aside, there is a connection with this in the data and in ideas for the future of the field). Stinson and Bullock invite me to engage in praxis “while simultaneously opening up praxis to uncertainty” (2012, p.49). This implies multitudinous possibilities for this study and its findings, which is consistent with its epistemological understandings.

Conflict resolution viewed through a postmodern critical theory lens is concerned with an examination of power, language, and their effects on marginalised and oppressed people, “what we know is not the world itself but the linguistic representations of it, which are power laden” (Voronov & Coleman, 2003, p.173). Postmodern critical theory has also been identified as relevant for the field of conflict resolution by a number of writers (Holmes, Edward & DeBowes, 2009; Roy, Burdick & Kriesberg, 2010). With its attention to, and critique of power, oppression and injustice and the ways in which language reflects these, it offers a valuable framework with which to analyse ways in which social institutions such as education can participate in oppressive practices embodied within policies, customs and practices (Schrage & Giacomini, 2009, p.72).

Within the practice of conflict resolution, postmodern critical theory aligns itself with principles of social justice, through Freire’s writings and others. For example, Holmes et al. (2009), describe social justice theory as attending to, and addressing the differences of ethnicity, gender, sexuality while at the same time valuing cultural diversity. Social justice concerns itself with not only acknowledging power and its workings in society, but also endeavours to redress the balance with the intention of

promoting greater equality. Gehring proposed that conflict resolution practitioners within universities are central to the development of just and disciplined communities as there need to be “proactive attempts to combat campus racism and sexism”, and members of that community should each experience respect along with responsibility (Gehring cited in Paterson & Kibler, 1998, p.265).

Postmodern critical theory and social justice in their desire to address oppression and injustice must, therefore, analyse the ways in which power and the constitutive nature of language function in both relationships and society. Conflict resolution practitioners practicing within this paradigm will be alert for the mechanisms of power in the ways in which conflict is language and the ways in which power influences relationships. Structural power, of the kind that exists within institutions and organisations, is often invisibilised in the interests of protection of the order of things (Freire, 1972). It is also important, therefore, to attend to how this type of power acts on people within the university.

Giacomini and Schrage write of how specific “conflict cultures” arise within campuses and state that “increasingly diverse student populations bring with them a variety of conscious and unconscious responses when faced with conflict” (2009, p.15).

Historically, the social group most likely to access tertiary education was the middle to upper classes, particularly the white, male members of those classes. The conflict culture privileged under such conditions is likely to be one that “places significant value on third-party decision makers, competition, individual responsibility for choices, autonomy and self-reliance” (p.16). This kind of conflict culture is still predominant today.

Methodology

Braun and Clarke describe thematic analysis as “a poorly demarcated and rarely acknowledged yet widely used qualitative analytic method” in the context of both psychological research and beyond (2006, p.77). As such, thematic analysis has tended to be regarded simply as a research tool, rather than a method in its own right (Boyatzis,

1998; Ryan & Bernard cited in Denzin & Lincoln, 2000). Braun and Clarke state “thematic analysis *should* (my emphasis) be considered a method in its own right” (2006, p.78) and I am in agreement with this. I have, therefore, approached this study with that understanding.

Thematic analysis appeals because it offers a flexibility as it is a method “essentially independent of theory and epistemology” which can be “applied *across* [sic] a range of theoretical and epistemological approaches” (Braun & Clarke, 2006, p. 78). It is, however, important to locate it within an epistemological and theoretical paradigm, and to make this explicit. I have used thematic analysis within the epistemology of constructionism and postmodernist critical theory as the underpinnings for the analysis of the data.

Fereday and Muir-Cochrane suggest “thematic analysis is a search for themes that emerge as being important to the description of the phenomenon” (2006, p.4). The ‘phenomenon’ under question is that of the conflict resolution processes that universities in this country engage with and how they came to be that way. Boyatzis states that thematic analysis involves “the ability to see” and in particular, to see patterns emerging from data (1998, p.7). My experience of this ‘ability to see’ grew as I read and re-read the data and the patterns began to consolidate a little more. As I read each transcript I would recognise echoes of experiences I had read in another transcript. Slowly, patterns formed in my head and I committed these to paper. Undertaking this process requires openness to the data, and putting to one side those ‘themes’ I had discovered while engaging in preparatory reading for this study. I focussed, therefore, on the participants’ experiences and descriptions of the practise, rather than the ways in which I had constructed the practise from my reading.

The themes have been identified inductively – that is, they have arisen out of the data rather than from any preconceptions of themes arising from the literature, known as deductive analysis. Inductive analysis is congruent with the philosophical underpinnings of this study. The advantages of this are that the data was able to speak for itself, and

even though some of the ideas present in the literature I had read were also present in the data, that did not drive the process.

What I brought to the data analysis was important and positions me as an active agent, rather than someone reading the data passively. Ely, Vinz, Downing and Anzul (1997) write this way about themes: “if themes reside anywhere, they reside in our heads from our thinking about our data and creating links as we understand them” (1997, pp. 205-206). I endeavoured to counter some of this subjectivity by staying as close to the data and the research question as I could. The process of identifying themes to include also means identifying those *not* to include. I was assisted in this by following Braun and Clarke’s six-phase process, as I explain further in this section.

Ideally, I would have liked the participants’ collaboration in identifying themes but time constraints prevented this. This would have felt more of a fit with my worldview. I admit to moments when I experienced dismay with the data, until I reminded myself to put to one side my preferences for the field. During these times, I made sure I took a break from the process of coding, as “frustration with the raw information” might have hampered my ability to maintain that openness required (Boyatzis, 1998, p.15).

Another decision regarding analysing the data was whether to present the findings as representative of the entire data set, or to focus on just one aspect of it (Braun & Clarke, 2006). I chose the former, as my preference for the research was that it was reflective of all the data. Informing my decision was the dearth of locally published material in this area, and I therefore felt that “a rich overall description” was important to the field (Braun & Clarke, 2006, p.83). Focussing on one theme, the university structure for example, would have allowed for a greater depth and richness, but this would be at the expense of other interesting material remaining unreported.

As stated earlier, the analysing of the data followed that outlined by Braun & Clarke (2006): a six-phase process. *Phase one*, which involved familiarising myself with the data, occurred very shortly after the transcripts had been completed. As I did not transcribe the interviews, I did not have the advantage of some of the familiarisation

that occurs through that process. In hindsight I would have liked to have undertaken the transcribing as I believe this would have helped orient me to the analysis more helpfully than reading and re-reading. I had, however, conducted the interviews and therefore I did bring some of those previous tentative understandings to the analysis. This phase entailed identifying those themes through “careful reading and re-reading of the data” (Rice & Ezzy, 1999, p.258). I made notes in the margins of the transcripts and highlighted those phrases I thought might be important for further consideration. I then compiled a list of possible ideas to inform the next step.

Phase two involved creating an electronic table with two columns: one for the extract from the data that I considered meaningful to the research in some way, with the second column for the numbered ‘codes’. Codes are those examples from the data that “can be assessed in a meaningful way regarding the phenomenon” (Boyatzis, 1998, p.63). Coding close to the data, inductively, rather than the codes being deductively theory-driven, also allows for greater reliability as he also notes that codes derived from the data means there is greater likelihood that other people examining the data will notice similar themes. This phase involves a systematic working through of the data and coding for as much as possible, while also endeavouring to keep enough of the context in which the data was produced. An example of this is the following:

Lots of people come to see me precisely because I am seen as being independent	<ol style="list-style-type: none"> 1. the importance of perception 2. the importance of independence
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A further decision to be made regarding the coding is the “level at which themes are to be identified” – ‘semantic’ or ‘latent’ Braun & Clarke, 2006, p.84). Although the latter is more commonly, although not exclusively, associated with epistemologies such as constructionism, as it focusses on using discourse analysis, this was not the intention I had for the analysis and discussion of the data. This choice was guided by the idea I referred to in chapter one: the necessary limitations of the scope of this study. I chose instead to focus on the ‘semantic’ level of identification. This entailed looking at the explicit meanings within the data and not only describing these, but offering explanations about any patterns of significance and possible meanings and implications

(Braun & Clarke, 2006). In order to apply constructionism to the semantic level of identification, I did not “seek to focus on motivation or individual psychologies” but instead attempted to offer some ideas about structures and contexts informing the data (Braun & Clarke, 2006, p.85).

Phase three involved an examination of the codes and the beginnings of identifying predominant or main themes. I used a mind-map to assist me to classify these with the main theme in the centre and the codes contributing to it arranged accordingly around each main theme. I was thinking about the relationship between the codes and themes as well as beginning to identify those themes that might be main themes and those which might become sub-themes. I remembering pondering the following:

- What if one idea was prioritised by one participant, but not mentioned at all by any other participant/s?
- What if one or some of the ideas I had been holding about conflict resolution – from my work and teaching – was not mentioned at all?
- If an idea was repeated by all four participants, did that make it more important than other ideas?

It was helpful, in terms of the above, to discover the importance of not eliminating anything at this phase, but to wait until the next step when I would examine all the extracts in their particularities (Braun & Clarke, 2006). Therefore I had a mind-map that was illustrative of ideas that appeared important to one participant, along with ideas that were named by all participants. The second bullet point from above was easily dismissed as I became engrossed with the process of analysis.

At the end of this process I had generated what I thought might be themes and sub-themes with the relevant data extracts coded relative to them.

Phase four began with the main themes I had identified at phase three and reviewing and refining them. During this phase I found that some of the themes I had identified at phase three as large enough to be significant, turned out not to be so, as some of the data

within the theme was too varied. As an example of this, I had identified ‘culture’ in phase three as a main theme, with sub-themes of ‘biculturalism’, ‘how culture informs the work’, ‘no Māori practitioners’, ‘the Treaty’ and ‘Māori contacts’. I found that for some of these sub-themes there was insufficient supporting data, and also that the main theme of ‘culture’ was overlapping with another main theme: the role. During this phase I was also re-visiting the transcripts to ensure I had identified and captured that which was important to be represented. At the end of this process I had developed a much smaller mind-map version of the one generated at phase three. This one represented the main themes and sub-themes as more of a cohesive whole.

At *phase five*, after further refining, I had three main themes and a number of sub-themes within each. The three main themes were ‘organisational culture’, ‘the role’ and ‘processes and models used in the work’. I found that at this stage I was reviewing the amount of data within each theme and sub-theme and ensuring I was not trying to cover too much or too little within those. I also began the process of thinking about the study as a whole by thinking about how to present each theme logically, while attending to how the explication of each theme would connect to the study itself in order to present a coherent picture.

I found Braun and Clarke’s ‘test’ at this step valuable. As they state,

It is important that at the end of this phase you can clearly define what your themes are and what they are not. One test for this is to see whether you can describe the scope and content of each theme in a couple of sentences. If not, further refinement of that theme may be needed (2006, p.92).

I was relieved to discover that I was able to describe the main themes in this way.

The final phase, *phase six*, is that of the final analysis and writing. The result of this phase is the three findings chapters that follow this chapter. My intention for these chapters is to present a clear and articulate account of the data and, moreover, an account which includes relevant extracts from the data itself to illustrate and bring to life the theme/s. It is not sufficient, however, in terms of the epistemological and

theoretical understandings informing this thesis, to have the extracts presented in such a way as to be devoid of any meaning-making. I therefore offer this in my analysis.

Method

Riach notes that “despite the emergence of new and innovative ways of carrying out research, the face-to-face interview remains one of the most popular forms of data gathering” (2009, p.356). I did not contemplate using anything other than interviews as my method for this research. Grbich states that one of the main purposes for “conducting interviews is to gain information on the perspectives, understandings and meanings constructed by people regarding the events and experiences of their lives” (1999, p.85). These reasons alone are sufficient but, because this area is under-researched, I considered it appropriate to approach the people engaged in the practise of conflict resolution as I felt this was the most useful method to address the research topic.

Sampling

Firstly, I personally approached individuals engaged in the work of conflict resolution in New Zealand universities in order to ascertain their interest in participating in this study. This sampling method described as purposive sampling is appropriate to this study as I was researching a specialised population within a specific context (Neuman,1997, p.206). There are eight universities in this country. Of the eight, I selected four, in part because some of the eight do not have easy-to-access conflict resolution practitioners and, in part, because I felt four in-depth interviews would give me sufficient representative data. These four participants were contacted initially by telephone and/or email and all willingly agreed to participate. They all thought that this could be a valuable contribution to the extremely scant current body of knowledge on the state of conflict resolution in New Zealand universities. All participants were sent an Information Sheet (attached as Appendix B) which outlined the purpose of the research, what was required of the participants in terms of time, benefits, discomforts and risks, protection of privacy and whom to contact with any concerns.

Once I had received agreement to participate from each participant, I sent a consent form to each participant outlining the research process – that of a recorded semi-structured interview up to one-and-a-half-hours duration - including details such as how anonymity and confidentiality would be protected. This is attached as Appendix C.

Of these four participants, all are female, all are Pākehā and most are employed part-time as practitioners of conflict resolution in universities. While it was my desire to be able to interview a more varied representation of culture and gender – particularly male and/or Māori – this was not possible as no persons fitting those criteria were employed in universities in this role at the time of this study.

Data gathering

Material was gathered by semi-structured interview in two ways: two by telephone interview and two by in-person interview. Whilst it had been my intention to interview each of the four in person, it quickly became apparent that this was not going to be possible with our competing schedules. Each of the interviews, whether in person or by telephone, lasted from an hour to an hour and a half and each was recorded on a digital recorder. In the case of the telephone interviews, the telephone speaker was on to enable recording while I ensured we could not be overheard by having closed windows and doors. As appropriate to semi-structured interviews, I had pre-prepared some questions although it was not my intention to follow these rigidly, but rather respond to replies in a conversational manner as well as pursuing anything that the participant identified as important.

Interviews, according to Rapley, are “inherently sites of social interaction” (2001, p.308). This thinking is informed by constructionism and to me this means that interviews are concerned with the production of knowledge (data) within a dialogic process (Freire, 1972). It is important to remember that the dialogue is “locally produced by *both* [sic] the interviewee and interviewer” (Rapley, 2001, p.309). These ideas of ‘interview as social interaction’ and ‘dialogue’ allowed for a centring of the

participant's experience and a de-centring of mine, which also allowed for richer accounts of their experiences and knowledge (Alvesson, 2003).

Schneider states that interviewers are not "simple conduits for answers but rather are deeply implicated in the production of answers" (2000, p.162). This resonates with constructionism and postmodernism and invites me to think about the ways in which the interviews were shaped through my questions, and how the questions themselves shaped how the participants responded. At various times in each interview, I invited participants to speculate on what question might be useful to ask next so that they could also be actively shaping the interview. I had in mind to engage as collaboratively as possible within the interview context.

I was equally mindful that at times in the interviews I moved among positions of 'researcher', 'fellow practitioner', 'fellow university employee' and 'fellow researcher'. I endeavoured to name these in the interviews at the time, as a way of distributing power. It was important in terms of transparency that each participant knew of my multiple positions beforehand and that they were given opportunities to discuss whether this presented any particular challenges to the process. None of the participants said that these multiple positions presented a challenge.

Following each interview I made notes, concerned to capture my experiences as near to the interview as possible. I also thought these notes would inform a more immediate reflexivity rather than waiting until the interviews became artefacts (Riach, 2009). These notes also assisted with listening to the recordings and later reading the transcripts. They have also helped in the writing of this thesis, reminding me of ideas and thoughts I had at the beginning of this process.

Each participant was offered a copy of the study in executive summary form and all accepted the offer. I also offered to send participants a copy of their transcript and all declined.

Reflexivity and rigour

There has been much written on reflexivity and its importance in research (Weick, 2002; Riley, Scouten & Cahill, 2003; Hiller & DiLuzio, 2004; Riach, 2009). Alvesson suggests that one of the most common ways in which reflexivity is used “emphasizes [sic] that the researcher is part of the social world that is studied and this calls for exploration and self-examination” (2003, p.24). He states that his preferred frame for reflexivity is one that “stands for conscious and consistent efforts to view the subject matter from different angles” (p.25). This study is informed by both of those understandings. Holding these helped as I ‘walked around and through’ the data, endeavouring to ‘see’ from those different angles. I found that engaging with the data reflexively enabled me to ongoingly challenge any assumptions or privileging of my understandings I was bringing to the data.

I believe it is important, if not vital, to consider and reflect on how reflexivity shapes analysis *and* I am also drawn to Fournier and Grey’s assertion that too much agonising over my own position risks displacement and de-centring of the participant (2000).

I therefore do not want to ‘agonise’, but I do want to discuss some important points. Riach (2009) presents the interview method as “a focal point for deconstructing the production of knowledge within research, leading to epistemological concerns over how we come to understand or represent another person’s ‘world view’.” This was a concern of mine in this study. In response to this concern, each participant was offered a copy of their transcribed data to check and comment on. No one took up this offer as time constraints and overwhelming work schedules meant this was not an attractive option for them. The absence of this participant feedback meant I reflected in detail on my notes and readings. As I consider the differences in context – temporal and knowledge – between the time the interviews were conducted, the analysis of the data, to now, the writing up, the reflexive processes I engaged with at each phase produced different understandings according to the context in which they arose. Weick captures this for me with “...the way we live, when we do interviews, differs from the way we live when we look back over the notes” (2002, p.895).

Many people have written about the interview-as-dialogue and emphasised the mutuality of the experience (Jarvinen, 2000; Denzin, 2001; Hiller & DiLuzio, 2004). Even as I was contemplating utilising interviews as the method for this study, I was engaging with how to not replicate a ‘mining’ of the participant for information. It was vital to me that each participant experienced ‘agency’ – an ability to think and consider before answering; to ask *me* questions; to suggest that a different question may have been useful and so on. Additionally, it was important for me to recognise the possibility that participating might have been experienced as encroaching on the participant’s time; or as an invasion of privacy, or demanding in some other ways (Hiller & DiLuzio, 2004). I attempted to address this in the information sheet and also in the lead-in conversation and post-interview conversation. In the latter, I invited each participant to speculate and evaluate the usefulness of the questions and the process. In the former, I had asked participants to reflect on the usefulness and validity of this study.

My experiences as an educator within a university system, as a conflict resolution practitioner and as someone holding particular beliefs about how humans construct their lived experience, inform and influence this study. I recall wondering how I would or could manage researching an area of familiarity, that I held knowledge and experience of, while at the same maintaining curiosity and boundaries. The postmodern tenet of the plurality of meaning helped me with this, as well as knowing that my knowledge and experience is not the same as anyone else’s.

Ethical considerations

There are important considerations to take into account when undertaking research of this nature. I have addressed some of these in my previous discussions on rigour and reflexivity. There are, however, other ethical considerations. These include informed consent, confidentiality and doing no harm. As mentioned above, once I had made contact with the participants and ascertained their initial interest in this study, I sent them an information sheet (attached as Appendix B), inviting them to participate, describing the purpose of the study, what was required of them, the ways in which the data would be treated and stored, the protection of privacy and who to contact with any

concerns. Interviews are a site of people's stories and, as such, are sensitive. As interviews occur in-the-moment, people may divulge more than they intended, or may have misgivings later as they reflect on the conversation. I therefore invited each participant to contact me if they had any questions or concerns about the process. Participants were also informed they could withdraw from the study at any time up until the completion of all the interviews.

Boyatzis (1998) states there is significant risk that participants can be identified through research. The nature of this study is such that participants could be easily identifiable as they are employed in key roles in a small country with few universities. Protection of identity is vital and I have, therefore, not used identifying names or even pseudonyms in the inclusion of data extracts in this study. Nor have I used any identifying organisational data or titles. In the analysis chapters, and anywhere else in this study where there are data extracts, I have indicated with dotted lines the removal of potentially identifying information. I included the following explanation in my interviews with the participants:

I want to say to you that while our conversation will be transcribed, I will not be putting the transcripts as an appendix to this study and nor will the transcripts be seen or heard by anyone other than me, the transcriber and/or my supervisor. One of the dilemmas for me is that New Zealand is a small country and this is a really small field within it and I am aware it is possible that you could be easily identified. How does that seem to you and do you have any questions?

The transcribed data, the recordings, signed consent forms and any other potentially identifying information has been kept confidentially under lock and key. Electronic versions of the transcribed data are kept on my work computer under secure password and will be deleted after a period of seven years. The recorded interview conversations will be also erased accordingly.

| *Te Tiriti o Waitangi/ The Treaty*

As a researcher within a bicultural context, principles of *te Tiriti o Waitangi* need to be engaged with. Universities also have obligations of this nature. I have therefore consulted with a Māori colleague about ways I can attend to producing this research in culturally respectful ways. It was disappointing for me not to be able to locate any Māori conflict resolution practitioners within the university setting. I spoke about the ways in which I was intending to include biculturalism, given this disappointment, and how to endeavour to do justice to biculturalism.

The way in which I attended to biculturalism in the interviews was to ask questions regarding bicultural practise along with enquiring about Treaty obligations and policies. Pre and post-research, I have engaged in thinking about biculturalism, particularly in terms of social justice. I am mindful of *he tāngata* – the people informing this study, whether ‘the people’ are those experiencing conflict, those practicing conflict resolution and/or those who may be experiencing injustice, discrimination or marginalisation.

I believe I experienced *whanaungatanga*, broadly but inadequately translated as kinship, as I listened to the ways in which the participants described the value they place on the support they experience from other tertiary conflict resolution practitioners. I experienced it also in the connections I made through the literature with overseas practitioners and their understandings that enabled a sharing of *te mahi* (the work) and *mātauranga* (knowledge).

Summary

This chapter firstly presented the epistemological underpinnings of this research. Constructionism and postmodernism were discussed as pertinent to this thesis by virtue of philosophical assumptions including meaning is constructed by people as they engage in the world, there is not one single knowable reality but rather there are multiple realities and a rejection of truth claims. Constructionism fosters a critical stance through its analysis of the limits and freedoms from the ways in which culture shapes experience. Critical theory, and more importantly, postmodern critical theory, form the theoretical foundation with a focus on critical analysis of language and power

and positioning effects of these. Alongside this rests social justice and its desire to address oppression and injustice through education. This is also viewed as important to the work and intention of conflict resolution.

Thematic analysis was presented as the methodology guiding the analysis of the data. This six-phase process identified three major themes and a number of sub-themes, which will be discussed in the following three chapters. Method and sampling were discussed which include purposive sampling followed with semi-structured interviews. Reflexivity and rigour, ethical considerations, and a discussion of *te Tiriti o Waitangi* completed the chapter.

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Chapter Four

Data Analysis

Major Theme One: Organisational Culture and Structure

Introduction

This chapter is the first of three chapters presenting the three major themes that emerged in the thematic analysis of the data. The first major theme and focus of this chapter concerns itself with the culture and structure of the university. Two sub-themes are then presented in the following order: sub-theme one concerns itself with policy, and sub-theme two presents perceptions of conflict in the university. I pose a number of rhetorical questions in this and the following two data analysis chapters to which there are happily, or unhappily no answers in the ~~true~~ spirit of postmodernism.

It is by design that this first analysis chapter should begin with the major theme of organisational culture and structure, given the importance attached to these in the literature review chapter. It could be assumed, within constructionism that the structure and culture of any organisation informs and influences the meaning-making of other aspects of the organisation. This is certainly so for universities, and it affects how conflict resolution is positioned accordingly. As Harman states “universities possess a cultural dimension which is not incidental to nor separate from the structural elements of their organisation but separable only conceptually” (1990, p.30).

As discussed in a previous chapter, I decided on sub-themes not in order to demonstrate any hierarchy of importance within the overarching theme but, rather, to help break down a large and complex theme (Braun & Clarke, 2006). The italicised inclusions represent an extract from the data from a participant. The chapter will conclude with a summary.

Major Theme One

Organisational Culture and Structure

In a high percentage of cases culture in organisations is also there creating an environment in which conflict is more likely to arise.

The above extract from the data is a participant's view on the organisational culture of the university and its influence on the presence of conflict. This participant attributed specific challenges to the organisational culture of the university. One of these challenges included a lack of clear commitment to dealing with conflict from those 'at the top' who could not, or did not, engage with this issue.

As discussed in Chapter Two's review of the literature, universities as organisations are clearly not immune from conflict. Within this the particular culture of the university is also part of what it is that contributes to conflict (Hebein, 1999). Hebein suggests that "direction from the top" is a large part of what is necessary in order to promote civility on the campus (p.87). It could be speculated that in universities where this direction is not forthcoming, there is potential for conflict, or more conflict than might be expected.

A propos of this, Harman states that as the culture of the university cannot be explicitly observed - it is only through interpreting behaviours of university members that culture can be witnessed - it is therefore important that the culture is one in which members experience a sense of ownership and belonging (1990). This, in turn, affects the likelihood and nature of campus conflict. Astor states any understanding of disputes within universities and their resolution must carefully attend to the "cultural dynamics" of the university (2005, p.51), also supported by Leal (1995) who states that each university will approach conflict resolution differently according to the particular organisational culture of that university.

Understanding how the university culture works appears to influence the efficacy of the work and practise for one participant who said:

In order to do this job well...an understanding of how the university environment works is very important... it is important in a way that it might not be in some other provisions of services within the university.

This means that practitioners need to be *au fait* with those university policies that are likely to inform disputes, such as student appeals against grades. Familiarisation with university grievance procedures is important in order that the conflict resolution work is undertaken in its appropriate context. Leal states that those people working in conflict resolution “must be culturally literate” about the form in which their university is configured (1995, p.25). Endeavouring to resolve conflict when one is unsure of various university procedures could mean that the work is compromised and, moreover, that the person or persons seeking resolution are disadvantaged.

The structure of the university gives rise to some challenges for those staff practicing conflict resolution. The majority of participants described tensions between departments, making the work more challenging than it needed to be. This experience is also reflected in the literature. Departmental changes and changes in job descriptions lead to challenges within the university which inevitably lead to or exacerbate conflict between peers (Klingel & Maffie, 2011). Some of the tensions experienced by participants in this study include competitiveness:

There’s resistance in HR [Human Resources] that we need a mediation service...they often perceive me as encroaching on their territory.

and,

There have been tussles shall we say with our HR division over time and I think our current director still believes that I should be part of their HR division.

This competitiveness appears territorial. The first extract implies that the Human Resource department considers that resolution of conflict is able to be managed by them and that the university, therefore, has no requirement for a separate conflict resolution service. The second extract perhaps contradicts the first by acknowledging that conflict resolution is useful; however, it should not be separate but subsumed within Human Resources. The participant whose experience is conveyed in the second extract said she considered this an irony given her training had equipped her to work specifically with conflict and its resolution whereas, as far as she knew, specific training in conflict resolution was not required in order to be able to work in Human Resources.

In the United States, many universities locate conflict resolution within Human Resource departments (Klingel & Maffie, 2011). Human Resource departments in the United States are, however, often complemented by ombuds departments. The authors found that in one study of forty-five state universities mediation was most often located within Human Resources. It is difficult to know whether this could inform some of the conflict between these departments in universities here.

Is there confusion at a structural level regarding the intentions and purposes for these two fields? It was not until I read the data and progressed through the thematic analysis that I realised I wanted to understand this more. This may present structural issues for universities: is there a need for a clear division between Human Resources and conflict resolution and, if so, what might it look like? What might distinguish the territory of either?

Holton (1995) suggests that the culture and structure of university education makes competition much too prevalent as staff in universities compete for ever-decreasing resources. It is possible that some of the tension/competition/territorial behaviour described above has been as the result of necessary cutbacks. Budgetary constraints, a result of structural changes in the ways in which universities operate in the 21st century, have resulted in competition between departments for resources. One participant said:

The departments got their own budgets so it has changed the behaviour. It just shows how budgets can change behaviour.

This participant said that the change in behaviour had resulted in unhappiness and frustration with the university and this, in turn, contributed to conflict. She noticed that this conflict often remained unspoken which leads to a more challenging workplace environment. Unspoken conflict means that the chances of resolution are slim and furthermore that antagonism can result (Holton, 1995). Some of the reasons for not speaking include wanting to present a united team or departmental front to management, not wanting to be labelled a 'troublemaker' and an orientation toward individualism; as long as my needs are met then that is all that matters (Holton, 1995).

One participant described the importance of structural support from the university thus:

If people at the top are endorsing the service and are happy for people to use you, then people are happy to use you.

These ‘people at the top’ are those who are in key positions to be able to structurally support conflict resolution as a service within the university; who perceive its importance. If there is structural support for conflict resolution then it is likely it will be experienced as a valued endeavour by both staff and students which, in turn, conveys an acceptance that conflict is acceptable and that seeking assistance is important. West summarises this as “conflict and its resolution cannot be left to be done at the level of personal spats amongst academics in departments but must be raised to the level of the entire university” (2006, p.193).

Sub-Theme One

Policy

Universities are quite, I don't want to say addicted to, but we have policies for everything and so various people say why don't you just follow the policy.

As the above extract demonstrates, there is no shortage of policy within the university. For every function in the university there is apparently an accompanying policy. Despite this, many universities appear to struggle with formulating clear policies for the resolution of conflict. Most, if not all, appear to have clear grievance policies and this is echoed in the literature from the United States. Warters, in the United States, writes that grievance processes “tend to be fairly similar across different institutions and involve a predictable series of steps” (2000, p.73). Grievances appear to be easier to define in policy than conflict resolution, which is regarded as more nebulous (Holton, 1995).

Well we have HR policies, we have research policies, we have promotion policies, we have academic policies, we have marketing policies, we have safety policies, we have parking policies, you name it we've got a policy for it.

What is missing from the above extract is conflict or conflict resolution policy. When I asked this participant what the policy was for disputes, she replied:

Well, I don't know what it used to be but now we actually say in writing the university encourages its staff and students to resolve difficulties directly and between themselves and we provide a mediator to assist you to do that.

Despite the above, this participant stated that the policy regarding conflict and its resolution remained vague, unhelpful and open to many interpretations.

Kenny states that “an effective modern university is likely to involve all key stakeholders in the development and implementation of strategy and policy” (2009, p.637) rather than at managerial level. He identifies academics and practitioners as ‘key stakeholders’ as he argues that universities need to become more inclusive of their academics, rather than requiring them to “fit within a corporate compliance framework” (p.636). Moreover, the two processes of policy formulation and policy implementation should occur in connection with each other, rather than discretely (Hansen, 2006).

For at least one participant in this study, these ideas resonate. One participant described how important decisions about conflict resolution policy were taken without any consultation:

...and so without telling me, the relevant director just wiped it [the policy] off without me knowing...and we haven't had a policy ever since.

She described this as devaluing and disrespectful of her knowledge and experience. I wonder about the implications of this ‘just wiped it’ as it has occurred without consultation and could be experienced as unjust. I wonder how this might affect the practitioner in her role. Schrage and Thompson suggest that if campus conflict policies are intended to be reflective of the university values, then people need to stop and ask “whose values are they? Who was at the table when that list of values was decided? Who was not?” (Schrage & Thompson, cited in Schrage & Giacomini, 2009, p.73). The very nature of conflict resolution, within a postmodern critical paradigm, requires all

voices to be valid. If staff had been included in the discussion and development of those policies that directly influence and shape the practise, this could then lead to experiencing respect for their knowledge which, in turn, contributes to how staff and student experience the university culture as a whole – as discussed under organisation culture and structure. A participant noted:

Some university policies are unjust. Disrespectful policies are more likely to result in difficulties and conflict for people...

Policy developed and implemented by those close to the work is more likely to result in policies that are reflective of important underpinnings of the work itself. It could also mitigate against this:

...we had a research dispute that came to mediation and the policy simply didn't cover the issues that were involved...

It seems clear that conflict resolution policy in these universities is one of the areas that is characterised by confusion as evidenced above and below:

If you have a policy that is too prescriptive nobody would ever move.

and,

...the fact there is no policy is a real problematic [sic] issue...

This second extract is representative of a university that has, at the time of interview, no conflict resolution policy in place. The participant said that the practise of the work was 'good' but that, without policy, access to the service was limited and unnecessarily difficult for people. While all the universities in this study have grievance policies this does not mean there is also a policy or policies for the resolution of conflict.

Sub-Theme Two

Perceptions of conflict and its resolution in the university

There's resistance that we need a mediation service...there's resistance to formal resolution...you know, really people should just sort themselves out and stop being stupid and if they don't you bang their heads together...

I find the above extract speaks volumes about the way in which the participant perceives conflict is regarded in this university. It is suggestive of an undermining of conflict resolution and, furthermore, that people who find themselves in conflict are 'stupid'. I wonder if this attitude is perceived by anyone else in this university and if so, what effects that might produce.

There is much written about conflict and the ways in which it is regarded. Holton suggests that conflict is viewed as "only a negative when, in fact, it can be energizing [sic] and productive" (1995, p.8). Given that conflict is an inescapable part of everyday life, it might behove institutions such as universities to reflect a view that conflict can, in fact, lead to useful change. McCarthy and others have noted that failing to acknowledge that conflict exists, through the mistaken belief that it will disappear of its own accord, usually results in increased hostility and relationship breakdown (1980). It would appear then that as conflict is inevitable and perhaps even necessary, developing robust resolution processes would only be of benefit.

Astor, in her study on Australian universities, found that millions of dollars are spent each year on disputes. She wonders why the "lessons of alternative dispute resolution and dispute systems design, which are providing solutions for other organisations" have not been applied to universities (2005, p.49). This has been accurate of at least one New Zealand university as evidenced below:

There have been periods, though not currently, where I just haven't felt like there was sufficient interest in early and informal dispute resolution and the use of mediation services...an awful lot of things were being sent to investigation or to lawyers or being dealt with through disciplinary procedures rather than through consensual processes.

It is not only *this* country's universities that have taken this view. Warfield, cited in Hansen (1995) found that there are a number of barriers that universities in the United

States erect against mediation. Most of these barriers are connected with how conflict is perceived: as personal failure, that mediation will escalate the conflict and make matters worse, and/or that as a process, one person will necessarily have to lose. Given this, it is hardly surprising that at least one university in this country has a perception that mediation as a process for dealing with conflict is regarded as holding little validity (see the extract in the sub-theme ‘challenges of the university structure’).

In contrast, Spiller, in her study on ADR in New Zealand universities - the only study of its kind to date conducted in this country - states that mediation as a process is used considerably in other western universities and that there is “increasing recognition of its usefulness” (2002, p.129). It is, therefore, perhaps difficult to understand, even allowing for some of the above prevailing discourses about conflict, why there is this resistance in some quarters of the university.

There appears to be a shared perception amongst the participants that, historically at least, conflict has been regarded in a *laissez-faire* way by universities. One participant stated that there had been a history of voluntary mediators and that, after several staff changes, she had come on board to a role that was not well established:

It took me a long time to establish myself.

A further participant described how she thought she had been applying for an actual vacancy, but that when she took up employment she discovered:

...they wanted a whole system created and set up

Yet another participant who began in the role over twenty years ago discussed how those years in the role were characterised in part by uncertainty, departmental confusion and a chequered history. These attitudes will have contributed to the shaping of how conflict resolution is perceived by staff, students and others within the university structure.

Summary

To summarise this chapter, I began by outlining a major theme in the data, that of ‘organisational culture and structure’ and how this informs the work of conflict resolution in universities in New Zealand. Within this theme are two sub-themes: policy and perceptions of conflict. Although there are clear overlaps between these themes they also nonetheless merit examination in and of themselves. Organisational culture and structure affects the ways in which policy is developed (or not), as well as influencing how the people within the university perceive conflict and conflict resolution. Policy regarding conflict resolution is widely varied and appears to be characterised by confusion in the universities in this study, with the exception of grievance procedures. These appear to be clearly represented in policy possibly because of the implication that grievances can become formal complaints for which Employment Law can apply. If policy development and implementation occurred in consultation with practitioners then it is likely that the policy and the work could reflect each other, which, in turn, could lead to more effectiveness of both.

Challenges of the university structure include the ways in which departments compete for resources, which are notably scarcer than formerly due to budgetary constraints. This contributes to inter-departmental competition that, in turn, influences the likelihood of conflict. Support from the organisational structure and culture for conflict resolution is important and this contributes to a sense of belonging which, in turn, influences how people experience both conflict and its resolution.

Chapter Five

Data Analysis

Major Theme Two: Role

This chapter presents the second major theme of the study: the role of the conflict resolution practitioner in the university. I have named this a major theme as I found it the most useful way to group the sub-themes. It is the sub-themes discussion that brings the major theme of the role to life however. There are four sub-themes: title, or what shall we call you?, limitations and challenges, training and experience, and lastly, culture. The chapter will conclude with a summary.

Major Theme Two

The role of the conflict resolution practitioner in the university

As has been demonstrated in the previous chapter, the field of conflict resolution practice within the university is beset with some challenges and confusion. Despite this, there are conflict resolution professionals engaged in the work in universities in this country. These professionals are people who are trained in conflict resolution and who are experienced in the role. The role itself is subject to the vagaries of the aforementioned policy, organisational culture, structure and perceptions of conflict, which are different for each university. It could, therefore, be surmised that the roles will also vary from university to university. This will become evident from the following sub-themes.

Sub-Theme One

What shall we call you?

For reasons of sensitivity, anonymity and protection of privacy, I am not naming the titles that each of the four participants use at their respective universities. I fear that if I were to do so identification would be inevitable with such a small sample size within this specialised area. Title has, however, arisen in the data as an issue and it is, therefore, important to present how conflict resolution practitioners are described, and also how the title of the role influences people who are contemplating approaching the service.

One participant described her thoughts about how the title influences people in the university. She felt it placed limits on the ways in which people might view her role. She wondered if a title such as ‘conflict advisor’ would be preferable as it might convey to people the idea that she could help on a range of different aspects of conflict rather than just one. This not only connects with the overall perceptions of conflict as discussed in the preceding chapter, but also implies that title influences how people perceive the role - what is and is not offered - which shapes the way in which people make sense of the service.

Although all participants agreed that title/role description poses a challenge it was also felt that it is well nigh impossible to encapsulate the conflict resolution process/es with one title. As one participant said:

I quite like the simplicity of my title and I have never come up with one I like better but I do also know that this is not the perfect title.

Part of not being able to find ‘the perfect title’ is because there probably is not one that would do justice to the role and the variety of processes that can happen within it. A term such as ‘mediator’ might be too defining and give rise to thinking that mediation is all that is offered when it may not be the case.

Another participant declared that the title of the role definitely influences the work and the people who approach her:

I think it does influence how people perceive me...a lot of the powers that be find it [her title] not a very nice word...I have tried to get all sorts of different titles. It is hard to find a word.

I am unsure why it is that the ‘powers that be’ object to the title as I did not pursue this at the time of the interview. I believe it might be because of one of the words in her title, which I cannot use here because it would be identifying. I also wonder if the particular word implies behaviours that the ‘powers that be’ would rather not acknowledge were

part of campus life. This is supposition, however. I would have liked to discuss this further with the participant.

The influence of the title on perception was discussed in terms of the constraint it placed on those who may be considering approaching the service. This can produce worries for people including those ideas discussed previously, such as ‘any process will make things worse’ and/or ‘I personally will be worse off’. A title such as ‘mediator’ can suggest to the uninformed that an ‘expert’ - the mediator - will pronounce an outcome and that it may not be agreeable and it will be binding. As one participant stated:

Maybe some people too, they just don't understand what mediation is and it sounds formal and it sounds rash...they think that they don't fit and need to go somewhere else, or they don't know where to go and they decide to leave...

Another participant stated:

I think I have had about three different titles and I can't remember, I think I was using [title] at one point and I decided that it sounded as though I was aiding disputes in a way that was making them happen...

This participant spoke about her confusion with the role and the title, borne out of a history of confusion, which in part manifested itself as reasonably frequent changes in title. It would appear to me that universities are perhaps struggling to adopt titles that are a fit both in terms of the organisational policies on conflict and the ways in which conflict resolution is practised in individual universities. Should titles convey or reflect the processes of conflict resolution? If so, which particular process? Is this even possible? Might it be sufficient to have a title such as ‘university mediator’ and accompany this with easily accessible information on what this actually means? It is not possible to answer these questions here, but they could be useful and pertinent questions to engage with in universities. It would appear to be clear that more consultation between the practitioner and the university could be helpful in this regard.

Sub-Theme Two Limitations and challenges of the role

Staff have trouble finding out about this programme...it is terribly important that people do know. I have had so many people come to me saying oh, I didn't know about you...

The role of the conflict resolution practitioner in universities clearly has both limitations and challenges. One of these is visibility as demonstrated in the extract above. Linked to the previous discussion centred on the title of the role and how this exerts an influence on people's thinking about availability, approachability and accessibility, several participants described challenges with visibility: being seen. All participants except one are employed as conflict resolution practitioners part-time and are, therefore, not available every day of the week. The majority of participants are sole practitioners. Both of these factors contribute to a lack of visibility.

I might speculate that if the *staff* have trouble finding out about the service, then students must have even more trouble, and therefore potentially experience more disadvantage. Another participant made cyclical connections between support, visibility and resources. She said that when she experienced support for the service she, in turn, felt supported to provide training sessions to staff. Providing training increased visibility which, in turn, increased referrals which, in turn, assisted with support for the service including the availability of more resources. This then influenced the likelihood of favourable perceptions of the service. It might appear to be simple: publicise the service, visibility will be heightened, and word will spread that there is a conflict resolution service on campus. Unfortunately, it is not that simple.

Marketing the service is a problem in two ways: the resources are often not available to adequately publicise and furthermore, marketing the service to students can result in too many referrals for one person to manage.

I have never marketed the service to students mostly because it's a resource issue. There is one of me and [number] of them and if one percent of our student population came to mediation I would have another [number] referrals a year and I couldn't cope...

This may imply that despite visibility being an ongoing issue for some practitioners in this study, that the status quo of *some* formal marketing and some reliance on ‘word-of-mouth’ is the preferable option for those practitioners in sole positions, if only to maintain manageable workloads.

Isolation is a challenge of the role and is one that is experienced by three of the four participants. One participant described how her preference is to be part of a team, but that this is not possible given the nature of the role. She described:

...I feel so alone professionally – I’m not quite counselling and not quite health. There hasn’t been any support for me even though I am doing my training in mediation...

This isolation is exacerbated for those practitioners who are both sole *and* part-time and this is the situation for at least two participants in this study. As well as the isolation that is a product of working independently, there is also an experience of some geographical isolation for two participants. The location of the building in which the practitioner is located can contribute further to an experience of isolation. This is the case for one participant who described where the building was in relation to the rest of the campus; away from everything:

I work in a completely different building. I couldn’t actually tell you who all the other people who work in that office are...they operate as an office and I operate as an outlier

This isolation as a result of working alone in a culture of education, academics and a large administrative structure, was experienced by at least two of the participants as stated previously. This is partly borne of a view that conflict resolution practitioners need to be seen as separate in order to convey an independence that denotes a lack of bias or prejudice; desirable perceptions to have for those wanting to approach the service.

Two practitioners spoke about the value of their support network of tertiary mediators. This was experienced as a much needed and valued opportunity to connect with others

engaged in the same work and to support each other which helped ameliorate some the effects of isolation.

One participant stated:

I think that that whole thing about being able to cope with a degree of professional loneliness is important...there is a high degree of autonomy in your work so you have got to be very self-organised...you need to keep up your own motivation and I would say this is a challenge of the job

This autonomy appears to be experienced as useful and desirable for the participants not only in terms of the role but also out of personal preference. It would seem that autonomy, loneliness, isolation and independence exist in some tension with each other. Autonomy, for example, which is generally agreed to be one of the beneficial aspects of the position, becomes slightly less appealing when combined with isolation which, in turn, is influenced by working on one's own. These various 'positions', if I can call them that inform several sub-themes as will be evidenced further in this thesis.

Sub-Theme Three Training and experience

All participants agreed that training and experience are vital to the role of conflict resolution practitioner. Training can be constructed in two ways: the training that the conflict resolution practitioner is engaging with for their own professional development purposes; and training provided to others as a part of the role. This latter was more of a feature of the data than the former. One participant talked about the number of training courses she provides for staff in the university as an important part of the role. She views this as maximising 'the possibility for constructive ongoing relationships'. This way of connecting is useful in terms of accessibility and approachability. Several participants said that training staff assisted them in their role, particularly in those universities where there is only one conflict resolution practitioner. As one participant stated:

There is only one of me and x number of students and staff so we need to find ways of making other people's conflict management skills more effective. That's a doubly good use of my time because first of all they get some skills

which they then keep as a resource, but secondly that it is a much better use of my time.

A second participant stated that she also provides training for staff on a number of conflict-related issues, for example, awareness of professional boundaries. Teaching people skills means that they can find their own ways to deal with conflict. In the words of one participant:

Teaching people skills, they get ideas about new ways to resolve conflict. It is much much better if people deal with their own conflicts...

This is supported in the literature by Giacomini who states that teaching people skills “to understand the nature and management of conflict is a valuable option” and one which contributes to skill-set development (Giacomini cited in Schrage & Giacomini, 2009, p.101). The first extract above also suggests that teaching staff conflict resolution skills is a better use of university resources and the practitioner’s time. It also reflects other participants’ views:

It is much much better if people deal with their own conflicts

and,

I have long thought that helping people not to be in trouble was a better use of my time.

In terms of their own training for professional development purposes, all participants have training backgrounds in conflict resolution, and most bring significant years of experience with them: some as dispute advisors outside the university system. Most practitioners spoke about the importance of theory and how it underpins the practise. One participant stated that she felt all practitioners needed to have a theoretical understanding of conflict and:

...an understanding of what gets us into conflict and how we might get out, hence I started doing a lot more reading around conflict...most of my professional development now has been around the conflict stuff

and this from another participant:

...after a very short time I realised that actually I needed to get a lot more clued up about conflict...

This is viewed as important to these practitioners as they desire to assist people to understand how they came to be in conflict with each other, in the hope that if this is understood then it may prevent interpersonal conflicts. Unsurprisingly perhaps, the importance of theory - both conflict theory and conflict resolution theory - is shared by large numbers of writers (Leslie, 1972; Burton & Sandole, 1986; Conbere, 2001; Cloke & Goldsmith, 2001; MacFarlane & Meyer, 2005; McGuigan & McMechan, 2005; Hansen, 2008; Roy et al., 2010). Additionally, there are as many, if not more, writers of various conflict resolution models (Fisher & Ury, 1981; Ury et.al 1988; Bush & Folger, 1994; Costantino & Merchant, 1996; Rowe, 1997; Lynch, 1998; Slaikeu & Hasson, 1998; Winslade & Monk, 2000). Many writers believe that a grounding in both conflict theory (what is conflict and how did we get there?) and conflict resolution theory (now we are there how do we get out of it?) is crucial in providing a frame for the practise.

Training in this area, or these areas, is something that differentiates conflict resolution practitioners from others in the university, human resource personnel, for example. Training in conflict resolution in order to practise as a professional invariably includes self-awareness, many hours of practise in mediation and other processes, familiarisation and practise in facilitation, and learning about various conflict and conflict resolution theories and models (Schrage & Giacomini, 2009). These training differences may also contribute to some of the tension between Human Resource departments and conflict resolution practitioners. Although I have alluded to this previously, I should add that not all participants in this study experience this tension.

One participant stated she believed there are particular attributes and training that people working in this area need, which supports the importance of relevant and practical training and experience:

Certainly what you need in this job is high-level communication skills as well as dispute resolution understanding, so I think you need to be able to work well with people so relationship skills and relational skills as well as any kind of theory about dispute resolution...it is a mix of those things for me.

‘Contacts’ is a term used to describe staff, and sometimes students, who have been selected as suitable for training as conflict resolution support people with a view that the ‘contacts’ may be easier to approach than someone in an office with an official title. Training and supporting a contact network forms a large part of the work for one participant. Contacts are not popular with every university, however, as this participant noted:

A lot of them [other universities] don't want to have contacts. I think I am the only one with a strong contact network

One of the reasons for this is the amount of time that is taken coordinating, training, recruiting and supervising them. One participant described contacts as ‘too difficult to manage safely’, and suggested that most universities that had used them in the past had now ‘got rid of them’. This points to a disparity between some of the universities in this study, with at least two maintaining a contact network. It appears that for these two universities the advantages outweigh the disadvantages.

Sub-Theme Four

Culture, biculturalism and te Tiriti o Waitangi

I am certainly interested; I know all about the Treaty but no-one has ever pushed me or said this is how we could work with the Treaty...

As I have discussed earlier, it was my original intention to situate culture as a theme in and of itself. As I proceeded through the review process that Braun & Clarke (2006) state as vital to the act of refining the themes, I noticed that it would be better located as a sub-theme of the role. I would also like to state, however, that despite locating it as a sub-theme, my understanding about culture is that it is omnipresent and therefore informs all the themes and sub-themes either implicitly, explicitly or both. This is especially so when one considers that culture encompasses gender, age, ethnicity, socio-economic, organisational and so on. There is also the underpinning culture of conflict

and its resolution informing this study. For the purpose of this sub-theme though, I mean culture as ethnicity; the ethnic group that people belong to, based on skin colour and other racial characteristics.

Although my questions about culture had biculturalism as a focus, I found that the responses from the participants tended toward the multicultural. This may be because it felt reflective of the changing demographics of universities. Universities are increasingly characterised by diversity, as Spiller notes, “students now come from a range of backgrounds in terms of culture, age, socio-economic demographics” and this contributes to a climate of change (2002, p.2). A further focus of my questioning was *te Tiriti o Waitangi* /Treaty of Waitangi and its implication for practise.

In Aotearoa New Zealand there is an expectation that those working in many professions, including education, will work within the framework of *te Tiriti o Waitangi* and its principles, three of which include participation, protection and partnership. Universities in this country also have other obligations under the Treaty, and all universities have policies reflecting this.

It was, therefore, disappointing to discover that none of the participants I interviewed were able to definitively state that there was clear policy in their respective universities, as far as they knew, on how the Treaty informs the work of conflict resolution. In hindsight this is perhaps hardly surprising, given that a number of universities struggle to have clear policies on conflict resolution *per se*. Perhaps one of the issues informing this is that none of the universities in this study appear to have any conflict resolution staff who identify as Māori and who may have helped develop such a policy. This, in turn, could be in part because there is a shortage of Māori working in the conflict resolution field *per se*, and those that are may prefer to be either in private practice or employed outside the university system.

When asked the question ‘ do you think your role is informed by the Treaty of Waitangi?’, there was a variety of responses:

...there is nothing absolutely specific anywhere in our materials or policies and procedures or anything which specifically calls that out.

I would have said yes but I am aware that two of the mediations I have done that have been about Māori issues, one group of people said they were not interested in having a Pākehā mediator and the other group of people...two of them said at the end that they wished there had been a Māori mediator so I am kind of reluctant to say yes...

...it might be relevant in a particularly focussed way in terms of a student who is being disciplined, it might well be appropriate to say the person who is investigating this will have some understanding at a cultural level that shouldn't just be assumed. So awareness of it but it's implicit rather than explicit.

...there might be two aspects of the answer to that. I would be hoping that the principles of partnership in consultation...is what a mediator would be doing in her day-to-day work...then there are the things about working in ways to acknowledge tāngata whenua within the institution. I wouldn't say I think about it every day and when I think about it I probably don't think of it as a Treaty, I probably just think about it as how I am interacting with this person or group...

The above extracts from different participants indicate to me that there is considerable uncertainty and vagueness about how *te Tiriti o Waitangi* informs the work, although there is acknowledgment from the participants that awareness is important. Quince, cited in Spiller, states that what is important for Māori in “any process of dispute resolution” is to allow for all aspects of the human experience and their relationship to each other in recognition of the holistic worldview (2007, p.293). I had the sense, both at the time of interviewing and later, listening and reading the data, that participants were keenly aware of the importance of this. The following extract is illustrative of this:

The model that I would like to use when parties or issues are to do with Māori issues is to co-mediate but it is actually quite hard to organise...[Māori] tend not to identify themselves in the way that, like I identify myself as a [title of her role].

Co-mediation between a Pākehā practitioner and a Māori practitioner would allow for both views to be represented in the process, as well as the parties to the conflict experiencing culturally appropriate responses. Another participant said:

...an awful lot of Māori do come to the mediation service and use it and are quite happy with the service and so I do wonder if anybody who is not Māori could really claim to be informed by the Treaty because I have never had training in Māori dispute resolution.

Tomas & Quince offer a chapter on Māori disputes and their resolution. I cannot do justice to it here, but they state “we can no longer state conclusively what a Māori dispute is” (Tomas & Quince cited in Spiller, 1999, p.219). They suggest, however, that “any modern Māori system of dispute resolution must incorporate fundamental aspects of *tikanga*, including a Māori conception of what it means to be human” (p.220). They cite the model of restorative justice as one that attends to the balancing of both the collective and the individual and the reciprocal relationship in which these exist is important to Māori. Restorative justice has echoes in social justice, as both aim to acknowledge and redress inequality and injustices.

I noted in the interview process that the questions on biculturalism and the Treaty were questions that gave rise to a lot of pauses and thinking-in-the-moment for the participants. I might have enquired about this at the time, but I did not. It felt a little as though we were finding our way with how to talk about biculturalism, given the lack of clarity in policy.

In terms of multiculturalism, most participants felt that people outside of the dominant white, western culture are disadvantaged in various ways when it comes to conflict resolution. Some of this is attributable to ways in which conflict is culturally constructed. In the words of one participant:

Other ethnic groups do not know of the [name of the programme] programme and perhaps don't understand that some bad behaviour could be labelled as harassment or bullying and so do not approach us.

Another participant spoke about the ways in which differences arise:

Even if you didn't have cultural differences, language differences are a frightful misunderstanding and confusion. But there are also quite a few [conflicts] where absolutely you know that attitude to conflict has influenced the way in which things have taken place. I mean in Japan for instance, to be in a conflict is a loss of face, even to admit you are having a conflict is a loss...so we can't go 'why didn't they just speak up, why didn't they just complain then'...I think that culture is a huge part of dispute resolution, an absolutely huge part...

These extracts highlight the challenges that practitioners face in increasingly diverse university campuses. Robinette, in a study undertaken on minority members in universities and mediation, suggests that people in minority groups - and he identifies minority groups as those "having less class, status and power" - were in the least strong position of everyone within the university in terms of being able to resolve issues in ways that were of benefit to them, and which would produce satisfaction (2000, p.228). This indicates that processes based on social justice underpinnings could be most relevant. Taylor and Varner suggest that cultural diversity on campuses requires a multiplicity of resolution responses. They assert that fairness does not equal sameness, and that "fairness is not about everyone being treated the same, but rather it is about everyone getting what they need. This is a foundational principle of social justice" (Taylor & Varner cited in Schrage & Giacomini, 2009, p.34). It appears to me that social justice principles not only provide a useful underpinning in the work with Māori and other minority cultures, but also offer important ideas to the work of conflict resolution generally.

Summary

This chapter has presented the major theme of the role of the conflict resolution practitioner in the university. Sub-themes included the title; the limitations and challenges of the role; training and experience; and, lastly, culture, biculturalism and *te Tiriti o Waitangi*.

In terms of the title, there appears to be no title that the participants felt could fully reflect the role. Clearer policy could enable clarity of the role which, in turn, could lead to a title that more accurately captured the practise. Some of the participants named the challenges and limitations of their title, including how others in the university perceived their role and the implications of that for the work. Other limitations included visibility. Some participants, particularly those who are part-time and sole practitioners, described accessibility issues. Lack of visibility also contributes to loneliness and isolation for some participants, and this is compounded by a geographical isolation within the campus.

Training others in conflict resolution is viewed as an important aspect of the role, contributing to greater visibility and support. This, in turn, has an effect on accessibility and, eventually, with more referrals can lead to an increase in resourcing. Training others also develops skills so people can become skilled at resolving their own conflicts. This is a hope shared by most participants.

In terms of biculturalism, multiculturalism and *te Tiriti o Waitangi*, participants hold a desire to work in ways that are culturally effective and respectful, and spoke of the ways in which they felt they achieved this. Some lamented the lack of Māori conflict resolution practitioners, or those that identify as Māori, as it was felt that co-mediation or facilitation would be a more appropriate model for resolving conflict with Māori. In increasingly multicultural campuses, it is deemed important that practitioners assume a curious position, rather than assuming that understandings about conflict and its resolution are shared.

Chapter Six

Major Theme Three:

Work and Processes of the Conflict Resolution Practitioner in the University

This chapter presents the final major theme; the work and processes of the conflict resolution practitioner in the university. There are two sub-themes, 'processes and models' and 'professionalism'.

There has been much written in the literature on various processes and models utilised in the resolution of conflict within the university. All of this literature bar one - Spiller, (2002) - is from outside New Zealand. Our nearest neighbour Australia also has a lamentable lack of published research in this area (Astor, 2005). I have left this theme until last purposively, as this is the theme that most closely connects with the research topic: what it is that persons working as conflict resolution practitioners *do* when they practise. There are of course resonances to the previous two analysis chapters and all major themes and sub-themes interconnect as one might expect.

Sub-Theme One

Processes and models used in the work of conflict resolution

...everything about dispute resolution for me is about not applying the rules but identifying, diagnosing the conflict...

and,

I don't have a preferred process for dealing with difficulties...the most important thing is to diagnose the conflict and work out what the right dispute resolution option is...

and,

One of the things that I think is very important is the triaging stuff...the phase of the process which is not about resolving it but diagnosing it and identifying options for resolution.

The above three extracts demonstrate the importance the participants attach to diagnosing the conflict before any resolution process begins. This 'pre-process' phase of diagnosis is seen as vital toward identifying the right conflict resolution option for people. Leslie (1972) states, "the choice of strategies and tactics for dealing with conflict presents a problem as complex as that involved in describing the nature of the phenomenon" (p.711).

Participants described the benefits of diagnosing the conflict twofold: it hopefully and helpfully, enables persons in conflict to get a sense of the range of choices for resolution that they have, and the practitioner can gain a sense of the issue and then offer an appropriate choice of hopeful solutions.

When people come to you they either have no idea or they want to leave or they want to make a formal complaint. When they hear the options they realise there is much more...

A part of this diagnosis phase appears to be educational. The extract above implies that some people seeking assistance for a problem may not know exactly what is available to them; this could be connected with themes previously discussed, such as visibility and marketing. Or it could be that this is the first time someone is experiencing conflict, has been referred to the service, and has no idea what to expect. It also suggests the importance of a flexibility of approach and recognition that there are many approaches and models to consider in the resolution of conflict. This is also encapsulated below:

...when people come in do you negotiate, do you mediate, do you investigate, do you decide, there's not going to be much in the way of arbitration in the university as such but there are going to be adjudicative processes, there will be hearings, there will be appeals, wrong decisions, there are a whole lot of adjudicative processes even though they are not necessarily arbitral ones so my view is you decide on the facts of the case...

This responsiveness to the particularities of the context fits well with the epistemological underpinning of this study as constructionism and postmodernism would agree that it is not possible to apply the same process to every conflict, given that meaning attributed to the conflict is subject to contextual variations and individual

meaning making. Contextual factors such as the nature of the conflict or dispute, the participants' worldviews and understandings about conflict, culture and positioning within the university all conspire to affect the appropriateness of process. Schrage and Giacomini also support this, as they state "a single-process option does not appreciate the diversity of the population it attempts to serve" (2009, p.17).

Conflict resolution as a 'low-level' process

There is a shared idea amongst two participants of conflict resolution processes being 'low-level'. One participant stated:

We are all doing the same thing which is sorting things out at a low level, at an informal level and at a level that works for the participants and not relying on heavy-handed, formal dispute resolution processes.

and from another participant:

If you look at our grievance procedures it will say that mediation is the first low level form of conflict resolution and that mediation is the preferred option...

Despite this 'low-level' idea being a shared view, I am unsure that the participants bring a shared meaning to the term as one participant described 'low level' as a sheet with 'a whole lot of options on it' and another, illustrated in the second extract above, states that mediation is 'low level'. Literature suggests that mediation is at the *informal* end of the dispute resolution spectrum (Warters, 2000; Spiller, 2007), and I am unsure whether this participant has conflated 'informal' with 'low-level'. I imagine that the meaning each participant ascribes to 'low level' is influenced not only by their subjective understandings, but also by their respective universities. This would include the ways in which conflict and its resolution is positioned and produced in those contexts.

There are valid reasons for responding to conflict at a low or informal level, regardless of the process employed. Doelker explains that in academia as with other organisations, "the further you move the conflict resolution process from the source of the conflict, the more formal and dehumanized [sic] the process becomes" (1989, p.157). As discussed

earlier, it is the preference of most practitioners and their universities to have the people experiencing the conflict resolve it themselves. This, too, has resonances in the literature: Harris writes “conflict management and resolution are ideally handled by the parties themselves” (2008, p.96). If this is not possible, then processes such as facilitation or mediation can and should be offered.

Peer mediation

Peer mediation, as a process, is one that finds favour with some participants. As a model, it has some advantages when applied in the university context: students are trained in skills which enhances their development and, once trained, they assist peers which can help remove some of the perceived barriers to people seeking help with conflict (Schrumpf, Crawford & Bodine, 1997). It is important to state, however, that peer mediation is not a replacement for other conflict resolution processes but is more usefully employed as an adjunct to those processes. Klingel and Maffie (2011) suggest that the collegial culture of tertiary education might imply that peer mediation is a natural choice. They outline some of the benefits (people trained as peer mediators are generally committed to helping people) and constraints (time and worries about proficiency). Devere and Verbitsky (2007) also state that peer mediation is labour intensive in terms of both time and resources. In those universities where there is only one conflict resolution practitioner, and part-time as most participants are in this study, this commitment to training and ongoing management of peer mediators can be viewed as untenable.

One participant stated:

Anecdotally I hear that there is quite a lot of conflict between the students. There is some quite interesting research that says students prefer to go to one of their own, at least in the first instance, and so setting up a student/student peer mediation service seems to me to be quite a good idea...

This participant also thought that a peer mediation service could assist her in her role as it would offer another option in the conflict resolution repertoire, as well as helping to

increasing visibility of the service. This would enable more people being accessed than she could access as a sole practitioner.

Mediation

Mediation, as a process to resolve conflict, appears to occur *some* of the time in *most* of the four universities in this study. Three universities appear to use it fairly routinely and regularly. One of the universities in the study does not use it at all as an internal process but, rather, very occasionally contracts mediators who are external to the university:

We don't do very much of that [mediation].... I did have a go at a mediation, a facilitated conversation, not completely successfully I would have to say and there were a lot of reasons for that...they usually bring in outside mediators and that doesn't happen, to my knowledge, very often.

This participant spoke further about some of the reasons that internal mediation has not been successful in the university she is employed in. Support, or lack of it, is an issue and there are also structural constraints which impact on her role. These include insufficient resourcing and an apparent unwillingness within the university to commit to employing someone in the role of a recognised conflict resolution practitioner. She also spoke about how she would *like* to offer mediation in her role but was unable to do so. This is in contrast to the other universities in the study, which all use mediation at various times. So too, do many overseas universities where mediation has become common in solving campus disputes (Doelker, 1989; Volpe & Witherspoon, 1992; Warters, 2000).

A useful working definition for mediation is offered by Spiller; "...mediation is a consensual process in which disputing parties and an intermediary work together to bring about a better understanding of the background facts and issues involved in conflict" (1999, p.57). Misunderstandings about mediation abound, however:

I do think that an awful lot of people still think that mediation is a situation where I give you half of my orange and you give me half of your apple, so it's about bad compromises.

This extract might imply that particular (mis)understandings about mediation might be one of the reasons that mediative processes are not as common as they might be in New Zealand universities. It would be difficult to find out, however, without canvassing students and staff in universities to ascertain what mediation meant to them. What is implied in the extract is that there could be a need for publicity and/or education in the university about conflict resolution processes, rather than people finding out in the diagnostic stage of conflict resolution when they seek help for conflict.

Another participant describes mediation as:

...mediation is just about listening to the other person and making sure that they understand what it is that you are saying, truly saying, rather than their interpretation of what you're saying...it's a kind of facilitated conversation.

It would be interesting to discover whether mediation would become more popular as a process if people within the university understood it in those terms. Mediation in the university was described by one participant as being practised within 'the shadow of the law' and that the law ultimately decided mediation outcomes, especially in employment disputes within the university:

...if I provide mediation which results in the ending of an employment relationship then I always get it signed off by the ERA (Employment Relations Act) mediators.

The participant explained that as termination of employment is regarded as an employment relationship matter, then it falls under the legislation governing employment. Employees within the university would also have a choice of using a mediator provided by the Employment Relations Authority.

Theory

What I try to do is make sure that the way in which I do my university disputes advisor job has that same kind of theory/practise nexus...

This idea was also shared by another participant:

I think you need to be able to work well with people so relationship skills and relational skills as well as any kind of theory about dispute resolution is important so I think it is a mix of those things...

Both of the above extracts address the importance of the interface between theory and practise. Although participants used a range of theoretical frameworks and models, they all agreed that working within a model or framework was important. Half the participants named the particular model they called upon when mediating: for one participant it is ‘facilitative mediation’ and for the other ‘transformative mediation’. These are described in the participants’ words below:

My goal is to have a transformational process whereby the participants come to me to get an outcome which will transform their relationship from a dysfunctional one into a, not just functional, but warmly functioning...

and,

Mostly I use the classic facilitative process. I interview both parties...or all parties separately first and then by the time we put them in the same room quite a lot of things have already been established and from my point of view they have already established in their own heads that they can work with me...I have got a pretty good idea of what the issues are and also whether those issues are mediable...

The above extracts are from the two participants who regularly use mediation as a model. There are a number of mediation models – the two named above, as well as evaluative, narrative, interest-based/problem-solving, social justice and insight, to name a few (Warters, 2000). Any book on conflict resolution will provide useful information on mediation and its various models so it is not my intention to provide further information on each model. Spiller (2002) offers an examination of mediation as a model in the university setting in the only article to date on mediation within New Zealand universities.

The model/s in which participants were trained can and does influence which model is adopted in the practise, along with personal preference. Warters writes that preferences are most likely to be influenced by contextual conditions – the ways of doing things within the organisation, as well as the training/s, previous experience/s and interests of the mediator (2000). One participant stated:

...I remember thinking I need to get more sophisticated about my mediation and after a very short time I realised that actually I needed to get a lot more clued up about conflict, because the mediation process is not rocket science really, there are lots of nuances and interesting things to discuss but basically it's about facilitating people to have the conversation they can't have themselves so that they will end up with an outcome they are happy with.

For this participant, getting people to a happier place is about understanding conflict so that the persons experiencing conflict can also learn and understand what it is that gets them into conflict in the first instance. This idea also has resonances with the hope expressed in a previous chapter, that ideally, people would be able to resolve their own conflicts.

Sub-Theme Two Professionalism

Professionalism is a term that encapsulates some important constructs in the work of conflict resolution. These constructs include confidentiality and maintaining boundaries in the work, which will be discussed further below. Professionalism was threaded implicitly, rather than explicitly, throughout each interview in the words participants used to describe their engagement with practise. I did not ask any specific questions that invited participants to speculate on professionalism in their role.

...this [relationship] is a professional one; it is like doctors, it is like lawyers...like those other professions we also have duties of care.

The above extract indicates the importance of constructing conflict resolution within a professional context, similar to that of other helping professions. This participant discussed the nature of the contractual relationship between the university and student and likened it to other professions engaged in the provision of services for money. Students pay increasingly high fees and while they are 'buying an education' she said it is also important to recognise the 'duty of care' aspect of the relationship. Kenny (2009) notes that tertiary education is "increasingly viewed as a commodity" and that once education is characterised by commodification, the caring aspect of education can be

eroded (p.629). To extend the ‘duty of care’ metaphor a little further, Kressel notes that effective, considerate management of conflict on campus is connected very strongly with a basic feature of “the truly educated person” (Kressel cited in Deutsch & Coleman, 2006, p.750). In this sense, managing conflict effectively and considerately on campus is viewed by this author as contributing to the fullness of an education experience for students. Although Kressel is not writing about social justice *per se*, the meaning I make from his assertion is that universities have a responsibility to educate students not only in their chosen field of study, but also in ways of managing conflict. Only then can someone be said to be ‘truly educated’. In my view, this makes using robust conflict resolution processes an imperative for universities.

Boundaries

I need to be seen as separate from [name of the department] or people won't come and see me. I also need to be careful about having too many close friendships, particularly if I have the opportunity because I don't have close colleagues...too much closeness means I will be having to excuse myself too much.

and,

I do think you have to be really clear and really boundaried about what you do and what you don't do

and,

I take a lot of care to keep personal and professional boundaries intact. I can't facilitate a process with conflicted parties if I am in a friendship relationship with one of them.

This ability to manage collegiality, but not too much collegiality, is part of the mediator/conflict resolution practitioner role in universities, and is perhaps more poignant for those practitioners who are in sole conflict resolution positions. I know and experience for myself the seemingly precarious nature of balancing friendship/collegiality and professionalism in the practice of conflict resolution.

In the example below, a participant shares how she manages this within the mediation context:

It's about removing yourself from the situation although you have to have enough of yourself present to be able to establish a trusting relationship with the other person, so there is that amount of it and then you have to take the rest of yourself away so that they can focus on their stuff and not have it contaminated by your stuff.

This implies that the boundary in this instance is about the practitioner monitoring her responses to the conflict and not allowing personal 'stuff' to get in the way of someone else's process. Another participant said:

I have some quite strong political beliefs for example and I have to be very careful to keep them out of the work so artificially don't mention them when often at times it would be natural to do so.

In hindsight I would have liked to explore this further, but it did not occur to me until I was listening to the recorded interview. It occurred to me again most strongly when I was reading social justice theory's applications within mediation and then, again, later when I was writing of epistemology and theory. What I am left wondering is whether there is a way to appropriately politicise the work. Proponents of social justice mediation would argue that as the work occurs in a political context and that as the "personal is political" (a point of view attributed to Carol Hanisch, cited in Firestone & Koedt, 1970, p.56), then it could be important that practitioners attend to political issues, such as prejudice, privilege and other oppressive practices (Wing, 2009). Mediation could be a useful context in which injustice is attended to. It may well be that this is already being practised in university mediation. I am not sure, however, as concepts such as 'neutrality' and 'impartiality' are constructs often privileged in the work, as will be evidenced below. I regret this missed opportunity of further exploration with the participant/s.

Neutrality

Of all the terms and descriptions that abound in the field of mediation, one of the most written about is the construct of neutrality. Despite, or perhaps in spite of the vast amount of reading I engaged with in preparation for this study, I decided not to ask any specific question/s about what the participants thought about neutrality. I wanted

neutrality to arise spontaneously in the interviews, rather than be introduced by me. I am aware of my own position on neutrality and did not want to influence the interviews more than necessary. As it happens, this tactic was not entirely successful as will be clear further on in this section.

It is important to be perceived as not taking sides even if we think how ghastly, how horrible...it is an impartial or neutral role.

and,

I am a neutral person so when people come to see me they already get that I am a neutral.

The top extract might imply that neutrality and impartiality share the same meaning. Both terms also appear to be interchangeable in a lot of the literature (Volpe & Witherspoon, 1992; Turan & Taylor, 1997; Hebein, 1999). Spiller (1999) urges us to distinguish between them, however. He suggests impartiality is linked to an ethical responsibility and is, therefore, a 'must' in the work. He defines it as the mediator not feeling or conveying any preference for either party. Neutrality, on the other hand, is something that he states as not possible. He suggests a mediator cannot be neutral, as humans have responses, values, worldviews, biases and prejudices which position people including practitioners in particular ways. This feels as though it is an important distinction to make. It is, however, clearly a matter of confusion as one participant stated she said to people she worked with:

...yes I am a member of staff and I am neutral.

This participant wanted to convey that despite being known to hold multiple roles in the university, that she was able to keep these roles separate when working in the conflict resolution role. The term 'impartial' would perhaps more accurately convey this.

The term 'neutral' can be constructed in various different ways dependent on context. One participant described the following experience:

...if I was mediating or dealing with a dispute between say a Chinese person and an Indian person, they consider that I am likely to be neutral in that dispute...

This also applies in reverse:

...at one point we appointed a Chinese...and people who weren't Chinese wouldn't go to him as they assumed he would be prejudiced...

I am curious about this. On the one hand, a Pākehā conflict resolution practitioner working with two people from other cultures is regarded as 'neutral' by virtue of culture alone. Yet in a similar context, a Chinese practitioner working with people of different cultures is regarded as prejudiced – judged on the same criterion. I share the same disturbance that the participant spoke of when she spoke of it. 'Neutral' as a term is challenging as it is generally misused and misunderstood. It may appear pedantic to differentiate between neutral and impartial. This is another area I would have liked to pursue at the time of interviewing. I believe, however, that the terms are often used in the belief that they are interchangeable; and that they mean the same thing.

As I referred to earlier when introducing this sub-theme, at one point in the interview with one of the participants I made my position clear on neutrality by saying '*but you can't be neutral*', which in retrospect was an imposition of my thinking on the interview. Postmodernism also questions neutrality in professional practice as it asserts that people construct their lives through the meanings they bring to their experiences, which are shaped and influenced by discourse (Bagshaw, 2001). I am grateful that the participant didn't take any offence and instead said:

Neutral for me gets very confused with neutered, you know which is not that interested and I am not like that as a person so it is quite hard to be like that professionally...

This same participant prefers:

[name of the person] coined a term that I really like called omni-neutral which means you are on everybody's side and that fits really well with me

Holmes et al., like the term ‘multipartiality’ (Holmes et al. cited in Schrage & Giamcomini, 2009, p.60). They suggest that neutrality has traditionally been viewed as crucial to a fair conflict resolution process but that it is unachievable, particularly within a social justice context. They argue that the mediator’s values invariably have to shape the work for how can they not, and that the best way to manage this is with transparency which itself is undermining of neutrality. Neutrality implies that you have no position or opinion about the conflict; as this is not possible, transparency would enable the parties to a conflict to know some of what the mediator’s value are. For example, a mediator could state that they have an interest in issues of social justice and fairness. The above authors, in their use of the term ‘multipartiality’, state that it includes critically analysing the conflict from multiple perspectives and that it will, therefore, enable the practitioner “to speak to areas of struggle and/or oppression in the midst of conflict for all to examine” (p.61).

This could offer practitioners a useful working paradigm. Bagshaw (2001) also notes that “the voices of disempowered people tend to be marginalized [sic], subjugated, or silenced by the voices of people in power, which tend to become privileged and accepted as truth or knowledge” (p.207). This could be applicable in conflicts where one party is from a minority culture. In my view, it would be important for the conflict resolution practitioner to attend to this. This might well be the case for those practitioners in this study.

Trust and confidentiality

I am trustworthy. I think that is quite important for the participants...meeting with each first privately leads to much higher levels of trust...

People in conflict place a lot of importance on trust within the conflict resolution relationship. Two participants spoke about ways in which they built trust. One of these is to meet with people in conflict separately first, before bringing them together for facilitation or mediation. This enables each party in a conflict to feel heard, that they have been able to talk about their perspective on the conflict. Another way participants

described that trust can be built is to be explicit about what happens to any personal information that arises in any meeting. Essentially, this is talking about confidentiality and that any exceptions to it are spoken in such a way as to build trust rather than diminish it. Participants discussed confidentiality and its importance to the resolution process:

...because the importance of confidentiality and what that means is to be professionally safe... confidentiality is intercoured [sic] with being seen as independent and they know they can come to see me and they can say whatever they like in my office and it's not going to go any further unless they want it to...

and,

Sometimes I have HODs [sic] ring me and say 'I think there's a mediation to do with my staff' and I say 'no comment' and they say 'aren't you going to tell me' and I say 'well if there was a mediation between two of your staff nobody needs to know unless they do for some other reason' so I have a high threshold for that kind of stuff. I don't do any identifying reporting, I don't do any feedback unless asked to, I observe the highest standards of confidentiality.

This participant also described the ways in which confidentiality was constructed:

In terms of confidentiality there are only the ordinary ones around safety and things like that but the university, I believe, is fairly open if that's the right word...I could probably change the reporting that I do and nobody would even turn a hair...

It is usual practice for people working in what could be broadly described as the 'helping professions' to share common understandings about confidentiality. This includes informing people of the limits to confidentiality. These are those that the above participant is referring to as 'the ordinary ones'. This generally means that everything that is talked about in a 'session' is confidential, except when someone talks about harming themselves or someone else. Within the university context, there can be disadvantages to the 'ordinary' confidentiality:

...having someone try to mediate something then find out it's information that can't be used in any disciplinary process because they found out in a confidential mediation can be extremely worrisome...

When confidentiality has been framed to the parties in a conflict in the ‘ordinary’ way described above, it can create difficulties if the mediation does not result in a resolution and there are further processes required. This implies that there might need to be further provisos to confidentiality, particularly when it seems likely that mediation may not resolve the conflict and another process may have to be used. As Boulle et al. describe, “confidentiality is not an end in itself and it has at times to be balanced with competing principles...” (2008, p.309). These principles include legal obligations and moral unacceptability.

Astor (2005) states that while mediation is generally a confidential process, there are disadvantages of this for disputes in the university. While on the one hand it can allow “difficult and sensitive matters to be handled out of the public eye” it can also obfuscate matters that might be in the public interest (p.61). She suggests that confidentiality in mediation should never be absolute and that confidentiality can and should be negotiated and agreed upon with the parties. This may be helpful in those instances where the mediator envisages any information arising in the mediation may be required in a subsequent process.

...the person I report to doesn't ask me for any information and is very respectful of confidentiality.

It appears that most participants in the study experience this flexibility with reporting, and I connect this with the autonomous nature of the role. I also connect it in some ways with what Astor describes as the informal nature of dispute processes in Australian universities: “universities presently do use a range of methods in dispute resolution but the case studies indicate these are employed in a fairly *ad hoc* [sic] fashion and are not well integrated” (2005, p.62).

Summary

This chapter has discussed the third major theme of the study: the work and processes of the conflict resolution practitioner. Within this I identified two sub-themes; processes and models used in the work, and professionalism.

Diagnosis is viewed as an important, if not vital, phase of the work. This means that the response to the conflict can be more appropriately matched to the issue rather than a 'one-size-fits-all' approach to dealing with conflict. Most universities employ this 'multi-faceted' approach. There appears to be a conflation between 'low-level' and 'informal' regarding the process of mediation with this style of intervention being preferred over the more formal adjudicatory processes. Peer mediation as a process is viewed by some as a useful complement to the service which could ease some pressure off sole and part-time practitioners. There is some evidence that this is effective although it requires resources in order to be able to adequately support the students while training and practicing as peer mediators. This may not be tenable in universities where conflict resolution practitioners occupy sole, part-time positions.

There is importance placed on theory underpinning the practise with some practitioners discussing the importance of knowing about conflict and conflict theory in order to inform people about how it is that conflict happens. Models of mediation offer a frame in which conflict resolution is undertaken, and this also influences professionalism in terms of personal boundaries, maintaining boundaries in the work and confidentiality. The various constructs of neutrality, impartiality, omni-neutrality and multipartiality offer similar, yet crucially different understandings about positioning in the work. However, neutrality has been found to be untenable and inappropriate as no-one can be 'neutral' or devoid of value, prejudice or judgement.

Chapter Seven

Discussion of Findings

The previous three chapters have concerned themselves with presenting extracts from the data, which had been coded and analysed according to the thematic analysis process outlined by Braun & Clarke (2006). I identified three major themes in the analysis: organisational culture and structure, the role of the conflict resolution practitioner, and the work and processes of the conflict resolution practitioner. Within these were several sub-themes: policy, perceptions of conflict, title, limitations and challenges of the role, training and experience, culture, processes and models, and professionalism.

Unsurprisingly, there were many connections between both major and sub-themes. I imagine these connections being represented by a spirograph diagram, criss-crossing each other to form patterns that characterise the data analysis. This chapter will bring those themes together in a discussion in order to summarise the state of conflict resolution processes in some of the universities in Aotearoa New Zealand.

The organisational culture and structure cannot *not* influence the ways in which the roles, the work and the practice of conflict resolution are practised. In fact, Astor states that endeavouring to understand “university disputes and effective ways of resolving them must pay careful attention to the cultural dynamics of universities” (2005, p.51).

One of the first things to occur to me as I reflect on the data is that conflict resolution processes in those universities that informed this study in Aotearoa New Zealand defy characterisation by a one-size-fits-all set of generalisations. Firstly, I think this is because there are wide variations in how conflict is perceived within each university, and secondly, this then shapes how conflict *resolution* is constructed. Although universities share some structural similarities, including governance structures, there are many differences, including “size, location, student population, mission, values, specialization [sic]” which, in turn, inform policies on a plethora of issues including harassment, student conduct, grade grievances and promotion. These “can be markedly different between universities” (Volpe & Chandler, 2001, p.249). Given these variances

it is hardly surprising that attitudes to conflict and its resolution also vary widely from university to university.

Kenny (2009) in his article on universities in Australia has noted that in recent years there has been a drive toward efficiency at the cost of effectiveness. He distinguishes between these as “efficiency measures how well an organisation does what it does, but effectiveness is concerned with the more important question of what the organisation should be doing in the first place” (p.630). He proposes that the corporate approach of efficiency shifts decision-making away from those close to the work and into management, and that this can lead to conflict. The data in this study implies that the way in which conflict resolution policy is developed and implemented occurs at a distance from the work, to the dissatisfaction of at least one participant in the study. It is possible that this is viewed as being more efficient by the university.

There is one ‘pracademic’ - a term coined by Volpe and Witherspoon to describe conflict resolution practitioners who are also academics - in the study. The authors suggest that staff in this role are in a unique position to assist the university to develop “innovative, system-wide grievance and dispute-handling policies and practices” (2001, p.247). They suggest that the combination of research and practise inherent to this role fosters cutting-edge knowledge in many areas including “restorative justice, dispute systems design and nuances of approaches and styles in mediation, facilitation and other related processes” (p.248). It is a surprise to me that there are not more ‘pracademics’ in conflict resolution roles in universities. Although there are some disadvantages, including needing to manage any tension that may arise in occupying dual roles within the university, there are many advantages, including familiarity with the university system. This was identified as useful, even critical, knowledge to have when practicing conflict resolution. One practitioner stated:

I am not an academic and so getting my head around and getting some understanding of academic culture was a challenge.

The role of ‘pracademic’ circumvents this as there is less time needed to understand academic culture.

Although Leslie was writing about conflict in universities in the 1970s, there are some points he makes that are still relevant. Firstly, he states that modern public universities are “most emphatically *not* [sic] a cloistered retreat for like-minded scholars” and that in fact the increasing diversity means that all sorts of people are “thrown together without very clear expectations of each other (1972, p.709). He suggests that as a result of this, conflict should be viewed as inevitable and, moreover, *accepted* (my emphasis). I emphasise ‘accepted’ to act as a contrast to ideas that conflict is something to be discouraged, an attitude that was present in the data. Leslie makes the point that, in his view, universities can do one of two things regarding conflict: they can restructure with a view to either eliminating diversity and/or redistributing power, which might result in fewer structural divides; or they can accept that the structure is what it is and allow for conflict by implementing proper processes to address it. He then suggests that the second option is the only one worth considering given the unrealistic nature of the first – unrealistic in terms of resourcing and governance issues among others. Leslie does not elucidate what these ‘proper processes’ might look like in his second option because “conflict takes many forms and arises out of the interaction of complex conditions, it is not manageable through the application of simple prescriptions” (p.711). This view is epistemologically congruent with this study and the data, which discovered there is no one-size-fits-all process in the resolution of conflict.

As an aside, another study by Barsky (2002) discovered that structural changes in the university were more likely to provoke conflict rather than diminish it. Perceptions of structural change include mistrust: what is this *really* for, and worries that job losses and job changes could follow.

If the above is applicable to today, and I think that it is, it is perhaps surprising that the data, which is reflective of half this country’s universities, should suggest that there is at least one university that appears to have a lack of robust conflict resolution processes. Whether this is influenced by attitudes to conflict and its resolution, structural constraints such as insufficient cohesion and/or resources, or disagreement about this issue at policy-making level it is difficult to know.

Within the role itself there are a number of challenges. One of these concerns the title of the role. As the role is varied and includes providing training, coaching, mentoring as well as conflict resolution practise, it is difficult to identify a title that could capture that variation adequately. In terms of whether the work influences the title or vice versa, a participant had this to offer:

It wasn't that I went, I need to do more of this and I will change my title and people will come, it was more I went, gosh I am doing more of this, that's what I think I should be doing. I had better reflect that and reinforce it by changing the title.

For this participant it was clear that the work - which matches her expectations of the role – did not match the previous title of the role and she sought to change it. It is also interesting that not only is it important that the title reflects the work, but also that it *reinforces* it in some way. This implies that titles of practitioners have an influence on the work itself, either in a supportive, reinforcing manner or through inaccuracy undermining the work. I have the sense that the latter was the experience for one practitioner as she described her difficulties in coming up with the right title. Another participant discussed how part of the work she engaged with - the educating about conflict - was not reflected in her title:

I see it [workshops on conflict] as a really legitimate part of my role and I know that some of my colleagues elsewhere also have that sort of stuff as a legitimate part of their role because it is in their titles whereas mine isn't which is a bit of an unresolved issue...

I asked this participant what difference she thought it might make if her title was to reflect this important part of her role, and she said that people would 'see' it and know that was what she did which would result in clarity and congruence. She added that presently no-one knew. It is difficult to know what might help to resolve this issue for the participant. I would have liked to ask as I am unsure whether this is a structural issue, a policy issue, or something else. I tend to the view that if policy development and implementation occurred in consultation with practitioners, then it is likely that the

policy and the work could reflect each other which, in turn, could lead to more effectiveness of both.

It is impossible, I think, to separate title, policy, structure and culture as they all influence and affect each other. Without a clear and supportive structure, it is more challenging to develop relevant policy which, in turn, creates confusion about role descriptions and titles. If there are structural constraints including resourcing issues which impact on the role in terms of how many practitioners can be employed and whether full or part-time, then sole practitioners experience isolation in the role. At no point in any of the interviews did I get the sense that practitioners did not have enough work: in fact the opposite seemed to apply. I am, therefore, unsure whether the part-time nature of the work is through budgetary constraints or practitioner preference.

Sharing knowledge about conflict and providing skills-based training in resolving conflict is an important aspect of the job for all participants. This sharing of knowledge and experience resonates with critical theory and social justice theory. Social justice theory, in particular, views education as paramount in both liberation and equity (Freire, 1972). Educating people in conflict and conflict resolution skills so they are better skilled to resolve conflict themselves could influence change within the university culture and structure.

Bicultural practice is a challenge in some ways for the participants, particularly influenced by two factors: difficulty identifying any Māori conflict resolution practitioners, and indistinct university policy on how *te Tiriti o Waitangi* influences bicultural practice. Part of this may be influenced by cultural norms and values regarding conflict. Responses to conflict resolution through models such as mediation and other related processes have arisen from a white, western, male, privileged perspective. This means the focus when resolving conflict is on individual wellbeing rather than the collective wellbeing (Quince, cited in Spiller, 2007). Wing (2009) notes mediation as a process “more often than not reflects the dominant culture’s paradigm” (p.385). Although participants spoke about their desire to engage with bicultural practice, including co-mediation, it was difficult, if not impossible, to provide for this.

In terms of multicultural practice, Volpe and Witherspoon note that campuses are places where there is an ideal environment for cultural diversity, however "...it is not unusual to exclude, however unintentionally, individuals or groups of different cultures, religions, genders, ethnicities, races, ages, sexual orientations, physical challenges or viewpoints" (1992, p.342). I am sure that in the twenty or so years since that article was written, there have been changes on campus: Muslim prayer space is one initiative developed in universities that comes to mind. It is still possible that despite changes there are many ways in which members of minority cultures experience exclusion. The dearth of local research, as I have mentioned previously, means I have to draw upon overseas studies and then speculate whether there might be any commonalities with New Zealand universities. In the United States, for example, Holmes et al. suggest that conflict resolution processes such as mediation within universities must include analyses of how oppression - overt and covert – is influencing the conflict as well as how it might be acting on the parties and the facilitator (2009). Wing notes also that for conflict resolution processes to be experienced as more valuable by people using them, then it needs to respond to particularities of social context including "addressing the inequalities they experience" (2009, p.391).

Postmodernism, critical theory and social justice bring valuable ideas with which to view cultural contexts and positioning. With postmodernism's rejection of universal truth and single reality, there is a lens available with which to value a multiplicity of experience. Critical theory offers a critiquing lens to examine power structures, discrimination and oppression. Social justice can and does attend to the individual's particular context, as well as engaging with diversity and injustice, while at the same time valuing that diversity. Social justice, furthermore, includes action, and this connects with the work and/or intention for conflict resolution. This action is toward creating a more just and equitable world (Freire, 1972; bell hooks, 1994). Practicing within these paradigms would therefore mean attending to injustice and inequity.

In terms of process, diagnosing the conflict is heartily endorsed by almost every practitioner. Diagnosis is also cited as important by other writers, including Boule et al., (2008). The writers suggest that, firstly, diagnosis can be useful in determining the

particular process that could be most useful to aid resolution but, secondly, it can also help to identify the particular model within that process. Two participants in this study named the processes within mediation they used, although these are not used exclusively. As one participant stated, she '*mostly*' uses a facilitative process, which might imply she has other ways of working available to her, or other procedures depending on the result of the diagnosis. The second participant stated it as her '*goal*' to have a transformational process. 'Goal' infers that this might not always be possible or appropriate; again perhaps as the result of diagnosis. This is surmising on my part, however, as I did not ask. Laue, Burde, Potapchuk and Salkoff (1988) discuss diagnosis as pre-negotiation and also name it as 'getting to the table'. They view this as important in terms of engagement and trust-building, something which arose in the data also.

Closely related to process, theoretical underpinnings are important to the participants and this includes conflict theory as well as conflict resolution theory. Training in particular and relevant theory and models means that the work of the conflict resolution practitioner can be distinguished from other similar roles within the university. Being grounded within a theoretical orientation is also important in terms of professionalism. Working professionally includes maintaining personal boundaries – with colleagues and students, maintaining boundaries in the work and confidentiality. The issue of boundaries becomes complex when one considers what the purposes of conflict resolution in the university might be. Is it only to resolve conflict? Is it to promote equality and justice? Is it a combination of these? I would like to put these questions to the participants.

Professionalism also encompasses various forms of neutrality/impartiality for the participants, including constructs such as 'omni-neutral'. There are many views on neutrality/impartiality in the literature (Grillo, 1991; Rouhana & Korper, 1996; Li-On, 2009). I use the '/' to signal the conflation that is commonly attached to these terms. Cobb and Rifkin identified that many practitioners use the terms interchangeably, saying that in interviews with fifteen mediators, fourteen stated they meant the same thing (1991). Wing states categorically that because of the cultural paradigm in which conflict resolution processes are located - white western privileged - there is, therefore,

“proof enough that neutrality cannot exist” (2009, p.392). She adds that the common application of neutrality means there is an inattention to marginalisation of people within the wider social context, and results in those same people viewing the practitioner as not neutral. It might appear then that the best of intentions - to want to be experienced as having no bias – can, paradoxically, be experienced as bias. I have the sense, from the interviews, that the desire to be experienced as ‘neutral/impartial’ by most of the participants comes from a place of ‘good intention’ and is not intended to have any party to conflict experience bias, whether wittingly or unwittingly. As neutrality/impartiality is predominantly constructed in the literature as vital to the mediation process, in particular, I imagine it could be difficult to construct it differently, unless there was a clear mandate from the university for social justice to be included in conflict resolution work.

Summary

As this discussion chapter has presented, there is no one description that is able to capture the ways in which conflict resolution is practised in this country’s universities. Far from being disadvantageous, I view this as useful, not only in terms of the epistemological understandings underpinning this study, but also because conflict and its resolution does not lend itself to a one-size-fits-all model of application. Differences are also due, in part, to structural and cultural differences in individual universities, and in part, due to differences in perceptions of conflict and its resolution. While all the universities in this study have conflict resolution practitioners and processes, at least at the time of this study, one university appears to have processes that are less robust than the other three, including a lack of policy.

Challenges of the role include title limitations, and isolation, for some of the practitioners. Some isolation is viewed as necessary, in terms of the role and the desire for practitioners to be perceived as separate from the university. Bicultural and multicultural practice is also experienced as a challenge, and the participants described ways in which they currently managed to work within these challenges.

Training staff and students in skills to resolve conflict, is viewed as important, and helps with maintaining a presence on campus, as well as helping with accessibility.

Diagnosing conflict is important, as accurate diagnosis influences the practitioner's response, although mediation appears to be prioritised in three universities. Theory and training is important to the participants, as these provide a framework in which the work is practised. This is also an important part of professionalism, which also includes constructs of boundaries, and neutrality/impartiality. The discussion also offered a critique of these latter constructs, within a social justice paradigm.

Chapter Eight

Conclusion

This chapter offers a conclusion to this thesis on conflict resolution processes in New Zealand universities. Following this, the chapter will present the limitations of this study, followed by the impact of this study and research implications. It will conclude with some ideas for the future of the field.

My intention with this study was to describe and examine the state of conflict resolution processes within universities in Aotearoa New Zealand. I interviewed in person and/or by telephone four practitioners from four different universities. The interviews were recorded, transcribed and analysed using thematic analysis within an epistemology of constructionism and theoretical underpinnings of postmodern critical theory. There has also been a strong flavour of social justice theory as it links strongly with critical theory and features in the literature as important for the future of conflict resolution.

These underpinnings position me in particular ways. Firstly, constructionism believes that knowledge and experience is culturally located and a central tenet of postmodernism is there are no single definitions or objective reality. Critical theory within this paradigm, invites people (me) to critique and address “social justice concerns”, attending to those experiencing oppression, marginalisation and injustice (Hansen, 2008, p.405). Freire (1972) influenced the fields of critical theory and social justice by suggesting increasing awareness based on critical consciousness.

This orientation has shaped my experience of the data and informed the analysis in ways that include the identification of the themes, and the meanings I brought to understanding them and locating them within a whole. Through this study I have come to some understandings about how universities engage in conflict resolution. It seems clear that the state of conflict resolution in universities varies from university to university. When I embarked upon this research I had, naively in retrospect, thought

universities would have similar processes and ways of engaging with this. However, although universities share similarities in terms of broad purpose – to educate – they also each have their own cultural and structural contexts which influences responses to conflict and its resolution. Silbey and Merry suggest that a lack of structural clarity can be the result of differing ideas of how conflict is produced in organisations. This is because ideas about the ways of responding to conflict are “linked to socially constructed definitions of normal behaviour, respectability, responsibility” and what this then means for conflict (1984, p.158).

There are challenges for the practitioners in this study, and I have the sense that for two practitioners in particular, isolation is a challenge of some significance. One of the particularities of the role is the importance of being perceived as independent from the university hierarchy. This is important to the work in terms of building trust and confidentiality. This independence is also valued inasmuch as it provides for autonomy, with participants describing some freedom from accountability. The issue of title was one shared by three of the participants who each described their title as unsatisfactory in some way. It is difficult to identify a title that encapsulates the variation of the role.

Policy, apart from grievance policy, appeared difficult to get a sense of, so I am not sure how shaping it is of the work (or not). On the one hand, universities are policy-laden and on the other, there appears to be a shortage. In terms of biculturalism and *te Tiriti o Waitangi*, it could be assumed that the practise will follow general university policy guidelines on biculturalism. That is a guess, however, and there was some confusion for the participants in this area. There might be some reasons for the dearth of Māori conflict resolution practitioners in New Zealand universities. There are cultural differences in the way conflict and its resolution is understood which influences how it is engaged with. As universities become increasingly culturally diverse, there may need to be, if there are not already, culturally responsive processes to assist conflict resolution. Principles of social justice can be applied through the valuing of difference – which is also important to postmodernism.

I have appreciation for the ways in which the participants spoke about training people in resolution skills so that they can then resolve their conflicts among themselves. This sharing of knowledge has potential to distribute power in ways that can assist people to experience more agency in their lives. Offering this also assists practitioners in their role by heightening awareness and visibility of the service, and therefore being perceived as more accessible to people experiencing conflict.

Mediation is the model that three of the four participants described using routinely. While this model has arisen from a white, western context, it has useful applications in universities and is well supported in the literature on overseas universities. It is regarded as informal and/or low level and allows people in conflict to have influence over the outcome, thereby decentring the practitioner/mediator. Neutrality/impartiality is an important construct within mediation and these terms appear interchangeable in the work, although they mean different things and have different intentions. Postmodern critical theory and social justice principles critique neutrality as potentially at risk of perpetuating inequality by not taking a stand against issues of injustice and/or oppression.

I now have an understanding and appreciation for the work being done in universities to assist with the resolution of conflict. As Jameson (1998) writes, “the unique challenges facing institutions of higher education make the campus dispute resolution center [sic] a necessity rather than a luxury” (p.129). This makes it all the more important that the work is supported so that it can continue to adapt and respond to changes in tertiary education.

Limitations of this study

Including how this study has addressed the research question

This study has been based on the experiences and perceptions of a small group of people within a small pool of university conflict resolution practitioners. This means that any conflict resolution practitioners employed in the four other universities have not had an opportunity to contribute. I have, therefore, not been able to capture their

experiences and in so doing have missed some of the richness of the picture. While I do not believe that any study can capture the ‘one true, full picture’ owing to postmodern ideas and contextual influences on the participants and me at any given day or time, more experiences would have been welcomed. Likewise, the data and its analysis is shaped by the participants (and my) language, experiences, gender, understandings of conflict and its resolution, worldviews and the context in which the data has come forth, from interviews conducted on a particular day at a particular time.

I also bring my positioning to this study: I am also working within a university and work in the field. What kind of responses did my positioning call forth? I know that at times some shared understandings about the work were assumed. For example, I think it was tacitly understood that I knew the particularities of the university system and was, therefore, familiar with student grievances, marking procedures, assessment criteria and so on which negated the need for any further explanation. Because of this, I believe it behoved me to be vigilant about times when shared meaning assumptions could stifle curiosity.

I do occupy an insider position and therefore have ‘insider knowledge’; however, not in each of their particular universities. It is also highly likely that an interviewer from outside the university structure would have elicited different data. This context borne of positioning has influenced what was spoken, the questions that were *able* to be asked, and what was able to be spoken/unspoken. Some things have been missed. Further studies, for example, may elicit more about the *issues* that arise in conflict resolution, or what kinds of conflicts are common, for example, harassment or student-teacher conflicts. That we are all female could be viewed as a limitation as what has been produced would differ from understandings a male or males could bring to this study.

I had hoped this study could have represented a wider diversity of culture but this was not possible. Minority voices - those of Māori in particular – but also others, given the multicultural diversity of campuses, are therefore not represented. The inclusion of these ‘missing voices’ would, I believe, have enhanced this study. A further study, aiming at inclusion of the above, would enhance and enrich understandings in this field.

Has this thesis adequately conveyed what it set out to? Despite the above limitations, the conflict resolution processes and models used in some of this country's universities have been presented in some detail. The ways in which the university structure and culture influences and impacts on the work, practise and other particularities of the work including what is known as professional practice has been described. This study has also captured some of the differences in the ways in which the work is engaged with in various universities and, it could be inferred, the ways in which conflict resolution is regarded in individual universities. I think it has, above all, conveyed a snapshot of current practices and the contextual influences impacting on these.

Impact of this study

For the participants

In terms of the impact of this study on the participants, I noted those times in the interviews when participants identified for themselves the usefulness of the research. As constructionism and critical theory suggest, knowledge is generated in conversation with others. I therefore construct the interview process as *generative*: producing new knowledges for the participants and me. One of the participants, in response to my noticing that one of the challenges might be a lack of support, said “actually, now you mention it, this is quite a useful conversation, I can talk to...I can talk to her about it”. This conversation produced a new idea for the participant, as if in the act of speaking she was able to call forth a resource that could assist her in her experience.

I would have liked to follow up with each participant, partly to enquire into those areas that I identified in the data as worthy of further enquiry, but also to discover what, if any, thoughts arose for them after the interviews. This might have suggested ways in which the study impacted on them. Without this knowledge it feels presumptuous to guess as what these impacts may or may not be.

For me as researcher

I struggled with being one of the first to research this area and it felt significantly challenging to feel at times overwhelmingly responsible for charting new territory. I felt that I needed to keep the study wide to at least endeavour to capture the range of experience and processes, rather than attempt to discursively deconstruct *how* and *why* the practice of conflict resolution is. I may have unnecessarily limited myself. However, I feel that any further study could focus on some of the detail so that more richness *about* the field is available *to* the field.

There have been moments when I have despaired of finding adequate language to represent the practitioners' experiences in a way that would feel to them as though their voices were being heard. I have grappled with the subjectivity that a study such as this entails, while at the same time embracing it as an objective position is inconsistent with my worldview.

I have appreciated the ways in which this research has deepened my knowledge of the work and I also appreciated the work and practise that is being engaged with by the participants. I have felt strengthened as I consider the usefulness of applying my worldview preferences to the work with the addition of social justice theory. The effect of this on me is one of invigoration as I imagine how these ideas can be applied to the work and ,moreover, the effects of these on those who experience discrimination and injustice. As I stated at the very beginning of this thesis, my pre-understandings have in part, been consolidated and, in part, shifted. I was unprepared for hearing some of the participants' experiences of isolation and lack of support. I have, in part, come to understand how this arises, through engagement with this study.

Working in a university, I have felt as though I have been carrying this study around with me in ways that have felt connecting, but also alienating. I'm not sure how to describe it, and I am sure that the words I use here will shift and change across time as I move away from the total absorption the writing has required. For now, sitting here writing this, it feels as though what I have really struggled with is the ethics of working in a structure and culture while also researching/critiquing aspects of that culture and

structure. I realise that is a necessary part of research and that universities are encouraging of this. However, this was a challenge at times.

Research implications

Including the future

This study is, to my knowledge, the first of its kind to be conducted in Aotearoa New Zealand. It is my hope that this study can inform further studies as this feels like a *beginning* for further research. I believe this study lays a foundation for some really interesting areas for further research, some of which are included as rhetorical questions throughout this thesis. From my reading and analysis of literature, all of which is produced overseas, I think it is important to the field that more locally produced research is undertaken. While there is a substantive body of research on conflict resolution and its processes located in various contexts available locally, research specific to conflict resolution in the university is not. Our nearest neighbour, Australia, does not fare much better in this regard. It is my hope, therefore, that this study might inspire others. It could be useful if any subsequent studies focussed on some of the particularities of conflict resolution practitioners' experiences. Focus groups could be helpful in this regard.

Ideas for the future of the field

Firstly, the generative nature of the interviews referred to above, resulted in the participants identifying their preferences for the future. It was not a question I had thought to ask. It is important to me that I present their thoughts for the future of the field. This is what some of them offered:

...what I would like to see in the next generation, the people who come after me, is how to intervene early, how to spot early warning signs...and try and do something about it before these is a big blow up.

...working with people to try and feed the many not the few really, and so I would sort of like to be redundant I suppose.

...we have to have the models at the top of the organisation for it to work, you can't on its way down...

...we need to find ways of making other people's conflict management skills more effective

From the above, these are my understandings:

- Early intervention. Enabling people within universities to learn more about how conflict and its resolution works would, hopefully, result in inter-personal conflicts being resolved between the people concerned. This appeals to me in terms of social justice. Education in conflict resolution would engender more knowledge amongst both staff and students, which could also help to dismantle any barriers, be they cultural, attitudinal or both.
- Conflict resolution practitioners not being needed. More training of staff in various departments would result in up-skilling people so that conflict could be managed at a department level, rather than needing a facilitator/mediator's assistance. Stanley and Algert found in their study that universities "rarely consider the [university] culture until conflict becomes overwhelming". They discern that if universities wish to be more responsive to modelling effective processes to prepare students for life in an increasingly globalised and diverse world, then there should be an interest in "developing individuals at all levels in better conflict management" (2007, p.62).
- Congruence within the structure of the university. Universities need to embrace the importance of conflict resolution, and this should be reflected throughout the organisation and policy development and implementation.

In terms of my ideas for the future of the field, which follow, it is important that I situate these within the study's epistemology of constructionism and theoretical underpinnings of postmodern critical theory along with social justice theory.

Firstly, I think the field of practice could and should include a political aspect in ways that bring forward the effects of oppression, marginalisation and injustice and making

these available to the work. I hope I am not implying that this is not being practised already, as apart from one participant stating that she needs to be careful to keep her political beliefs out of the work, I have nothing to suggest that this is not already being engaged with. Wing notes it as “joining the call for change”, and suggests that “exploring the political nature of mediation and the inequality that it can produce challenges the field to reconsider the paradigm” in which it is located (2009, p.400). As mediation is prevalent as a process in three of the four universities, this is pertinent. This also produces an effect on the construct of neutrality/impartiality, as within a social justice paradigm there is no philosophical neutral (Laue et al., 1988). The authors believe it is important for the practitioner to align her or himself with the disadvantaged in order that equity and justice may be attained. Practising within this paradigm could require structural and cultural support from the university.

Secondly, I like to think the future includes an attention to social justice issues. This could mean prioritising university resources to employ Māori conflict resolution practitioners, if there are any available and if this is not happening already. As campuses increase in diversity it is also important to include provision for practitioners of various cultures to respond to conflict. Roy et al. state that the primary tool for conflict resolution practitioners is talk. They suggest that those who most often turn to conflict resolution processes to resolve conflict, are those who are able to talk, who know how to talk “in the terms and languages that prevail for interveners and the field”, which by definition excludes or disadvantages those who are not practised in these particular ways of speaking (2010, p.358). This implies that if robust, consistent ADR processes are to be applied, that an analysis of relevant models and processes would also be applied.

Some of the literature on conflict resolution processes in overseas universities discusses current trends in the field. Descriptions such as ‘facilitated conversation’ and ‘conflict coaching’ instead of ‘mediation’ are proposed by some writers as alternatives to current perceptions of conflict resolution processes as being formal. Klingel and Maffie also suggest that such terms are also more in line with espoused values of the university,

such as collegiality, and could assist with perceived barriers to conflict resolution, particularly for marginalised populations (2011).

Thirdly, in a field where there appears to be increasing litigation (Astor, 2008), it is important that there is a place for more robust, consistent applications of ADR processes across universities. As she writes, “even the simplest dispute may involve many different departments and offices within a university” (p.62). This does not seem an effective use of resources. Regarding the location of conflict resolution services and the tension that exists between Human Resources and Conflict Resolution for some participants in this study, Klingel and Maffie suggest that one option for the design of conflict resolution systems is to place “campus conflict resolution services in an academic department devoted to the study of conflict rather than an HR department” (2011, p.14). This could enable more expansion from practise into research, along with study and practise connections, which could also assist conflict resolution to have a marked presence and visibility in the university. It could also convey a supportive attitude from the university toward conflict resolution, particularly useful in those universities where this is perceived to be absent.

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